

April 3, 2013

Honorable Tim Bynum (*excused at 12:39 p.m.*)
Honorable Ross Kagawa
Honorable Mel Rapozo (*excused at 4:30 p.m.*)
Honorable JoAnn A. Yukimura
Honorable Nadine K. Nakamura
Honorable Gary L. Hooser, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Rapozo, and unanimously carried, Minutes of the March 20, 2013 Planning Committee was approved.

Bill No. 2465 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED, TO ALLOW FOR MULTI-MODAL TRANSPORTATION PRINCIPLES FOR SUBDIVISIONS [This item was Deferred to June 5, 2013.]

Mr. Rapozo: Madame Chair?

Chair Nakamura: Yes.

Mr. Rapozo moved to amend Bill No. 2465 as circulated which is attached hereto as Attachment 1, seconded by Mr. Kagawa.

Vice Chair Nakamura: Thank you.

Ms. Yukimura: Madame Chair?

Chair Nakamura: Yes.

Ms. Yukimura: Are we going to act on this before we get to the presentation?

Chair Nakamura: No, we are not. We are not going to act on this right now. We have a PowerPoint presentation from the Planning Department and once we get it on the table, then I would like to move ahead and ask the Planning Department to do their presentation, and then we can have discussion.

Ms. Yukimura: So, we will not act on motions to amend then?

Chair Nakamura: Not at this time. Let us have the full discussion, the presentation, and then with that information then we should, I think, take our action.

Mr. Rapozo: Madame Chair.

Chair Nakamura: I believe there might be a second amendment. Yes?

Mr. Rapozo: No. I stated that when I made the motion, that I wanted I to have it on the floor to address the amendment when the Planning Department is up here. I was not expecting an action on the amendment prior to any presentation.

Vice Chair Nakamura: Thank you.

Mr. Rapozo: But I would like to explain the amendment, if I may.

Chair Nakamura: Sure, go right ahead.

Mr. Rapozo: We had discussions with Mr. Charlier and the Planning Department a while back at a meeting and we had shared some of the concerns of the community and I know Carl Imperato is here and some of his concerns were shared on the floor. Mr. Charlier, sitting here at the meeting, and the perception that I got from Mr. Charlier and the Planning Department was the concerns of Mr. Imperato and the North Shore community could be incorporated in the plan and that in fact some changes were going to be made. I later found out that, in fact, those changes were not incorporated and that we were basically going

to move forward with the plan as it was delivered, which was quite disturbing because I thought I heard a commitment from Mr. Charlier that those changes could have been incorporated. If you look at the amendment, it is a general amendment so it basically is not technical or specific except for the fact that what it does, it incorporates the will of the people. It incorporates the communities, giving the communities an opportunity to have a say, rather than the County just saying no, everybody is going to get curb and gutters, everybody is going to get sidewalks. What Mr. Imparato's concerns were, and I share those concerns, there are rural communities on this island that may not want that, that may want to retain that rural character. Kaua'i is not the mainland. Kaua'i is not Honolulu. We are unique. Basically, if you look at Section 1(H), and I will just focus on the last part the sentence where, "provided that due consideration is given to the preservation of the affected community's rural character and to the input and desires of the affected community's residents." That is all I am saying, is that a great plan and we want to incorporate as much of this as possible, but we should not be forcing it down any community's throat, especially communities that want to retain their rural character, like the North Shore, like the Wailua Houselots where I live. Section 3(C) goes into a, basically saying that in communities whose population exceeds three thousand (3,000) residents and so forth. It would basically apply to communities whose population exceeds three thousand (3,000). I think three thousand (3,000) is a good number. That is a rural community and for many communities of that size, I think, they should definitely be given due consideration when the decisions are made. So, that is basically what this amendment says and I want to hear from the Planning Department as well. But overall it is giving the communities an opportunity to have their input and their desires addressed when these decisions are being made. Thank you very much.

Chair Nakamura: Thank you. If there is no further discussion from the Council at this time, I would like to call the Planning Department representatives here to do their PowerPoint presentation. Thank you all for being here. Can you please introduce yourself first before we begin the presentation?

MARIE WILLIAMS, Long Range Planner: I am a Planner with the Long Range Planning Division.

LEE STEINMETZ, Transportation Planner: Lee Steinmetz, Transportation Planner with the Planning Department.

DALE CUA, Senior Planner: Hi, I am Dale Cua with the Regulatory Division.

Chair Nakamura: Thank you. Go right ahead.

Ms. Williams: First of all, thank you for having us here today. We are pleased to present to you, Bill No. 2465, which is a Bill to amend Chapter 9 of the Kaua'i County Code to implement multi-modal principles in subdivisions and again, also presenting will be the team that has been working on this, Lee and Dale Cua, and we also have Peter Nakamura here and from Public Works, Lyle Tabata. Let me start with summarizing the background of this Bill and how we actually got here. In 2010 Kaua'i was the first Hawai'i County to pass a Complete Streets Bill and what this means is that every time we touch the road, whether we are building a new road or doing a major repair to a road, we think not only how we move cars but how we move people as well, whether they are walking, whether they are on bikes, or whether they are using transit, and all sort of people from our *keiki* to *kupuna*. Then in 2011, thanks to Get Fit Kaua'i, we were fortunate enough to have Traffic Engineer, Michael Moule, here for a week. He worked with us to develop an internal Complete Streets Action Plan and we made a list of the various code changes and design standards that would have to be changed to properly implement complete streets. At the very top of the list we realized we have to make sure that brand new development comes in at least construct sidewalks and has smaller block lengths as well, if you really want to reach our goal and this is why you have this Bill before you. Also, worth mentioning is that the County's first ever Multi-Modal Transportation Plan was passed about three (3) months ago and this sets a bold sort of future for us and Kaua'i for we move away from more and more car trips and sort of shift the mode to more and more walking trips and bike trips and relieve the pressure on our already congested roadways. Finally, I would just like to mention that this Bill will actually compliment a very exciting project in development right now and that is we are going to create new roadway cross sections and this is something that is being led by our Transportation Planner and Public Works. This will be moving hand in hand with that and the other efforts to implement our complete streets policy and our Multi-Modal Transportation Plan.

Now moving on to the Bill. First of all, I would like to be very clear about what this Bill will apply to and essentially it is amending Chapter 9. What that means it will only apply to new development, land that needs to be subdivided in order to be developed. So, nothing in this Bill will affect existing development or even already subdivided land. In other words, when you think about this Bill, think about the future, think about projects that will be coming to us down the line. To summarize this Bill, there are two (2) components that we feel are equally important and that is sidewalks and block length or block size. I will start with sidewalks. The Bill will require sidewalks in new subdivisions in the residential district, let us just call it the R District, with R-4 or higher density meaning land where four (4) homes are permitted per acre and in the case of R-6 where six (6) homes are permitted to built per acre, and in the Industrial District. This will amend the current standard, which requires sidewalks in R-10 and higher. By the way, sidewalks are required in the Commercial District and Resort District and

nothing many this Bill is going to touch our Agriculture District. So, to be clear about that. Also, in this Bill, now you might be wondering why R-4? Well, right here is a map of a modifying zoning map of Līhu'e. You can see that the red represents Commercial. The yellow is our R-4 and R-6 and R-10 and R-20 are shown in the brown. Here is the same map where I am overlaying walk sheds over places that people typically like to walk to like shops and schools and parks. What a "walk shed" is it is basically a circle with a radius of half a mile that represents as a ten (10) mile walk. You can see that all of Līhu'e is covered in a walk shed. You would find that this is the case with most of our other towns, in fact. However, take another look at the picture. If this is the case, you can see that the yellow areas are places where we did not require sidewalk and therefore most of our town, it is not going to feel very safe to walk on because you are going to have to step onto the roadway to walk or the shoulder, if there is a shoulder. So, that is why we thought it was appropriate to bring the new threshold down to R-4 because R-4 and R-6 really comprise most of our towns and therefore we want our new R-4 and R-6 areas to be walkable.

There is also a Safe Routes to School component to this Bill. I think you are all familiar with the Safe Routes to School Program currently led on Kaua'i by Get Fit Kaua'i and Public Works. The focus of the program is to make areas around our schools safe for *keiki* to walk. Therefore it makes sense that brand new subdivisions located close to our schools require sidewalks but only when they are located in the State Urban Land Use District. What is a sidewalk? I understand that there is some concern about sidewalks and how a sidewalk changes the look of a place and this is a valid concern because most of us live on streets that do not have sidewalks and it is something that we have become used to. But again, please remember that this Bill will not affect the street that you live on. I would also like to clarify what a "sidewalk" is and what it can look like on Kaua'i. Our Zoning Code does not define "sidewalk." We have to turn to Hawai'i Revised Statutes (HRS) to find this, that "sidewalk" means a portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for use of pedestrians. Now this is quite broad and basically a "sidewalk" can mean a lot of many different things and there could be many different ways to design a sidewalk as well. I will just show you some examples of Kaua'i sidewalks. Now here are two (2) Kaua'i sidewalks that are attractive and match the land use context. In both of these cases there is a curb separating the sidewalk from the road. However, that does not have to be the case. This is a Kaua'i sidewalk with no curb and there is still a safe place for pedestrians to walk. This is another example of a similar sidewalk with no curb that was recently constructed. The point that I am trying to make is that there are many ways to design a sidewalk and this Bill will actually enable more flexible design by waiving the requirement for curb and gutter if the applicant constructs swales to drain run off and if the drainage plan, of course, is approved by Public Works. This is an upside of the Bill, since it will allow new development to include on site drainage systems using tools such as rain gardens and see the picture on the right

for an example of what a rain garden look like. Just for the sake of comparison, check out the picture on left, of Pikake Subdivision in Līhu'e. It is constructed exactly according to Code and you see curbs and gutters everywhere and not a single sidewalk. Now, I think there is an argument to be made with the picture on the right with a sidewalk and attract live low impact green drainage system is more suitable for Kaua'i than the picture on the left. We also will allow a fee in lieu of sidewalk construction, if the subdivision is coming into an area that an existing pedestrian network exists, whether it is greenway or path so we are also providing that in the Bill.

Moving on to the second part of the Bill, a requirement for small blocks. The Bill reduces the maximum block length in residential and commercial districts from one thousand eight hundred (1,800) feet to four hundred fifty (450) feet and of course there will be exceptions for topography and if the block is adjacent to an arterial road. I bet block size is not something that you think about too much. But is block length important? Yes, it is very important if you want a walk able town. Blocks are the building block of our towns. A smaller block allows direct access to parks, (inaudible), and commercial areas. The current maximum block length is one thousand eight hundred (1,800) feet which results in a very, very lone block almost half a mile long that requires a longer walking distance. So, big blocks are perfect for fast cars and not so good for slow moving people. Residential and commercial areas, we believe, are inherently walk able areas that should be designed for people and not just cars. The smart growth primer on pedestrian and transit friendly design considers a walk able block length to be in the three hundred (300) to five hundred (500) foot range with the lower end of the range being ideal. Therefore, the draft Bill's recommendation is to reduce the maximum block length from one thousand eight hundred (1,800) feet to four hundred fifty (450) feet in Residential and Commercial District. Another benefit is that smaller blocks discourage constructed and informal mid-block crossings. In short, this is discouraging mainland style superblocks and encouraging human scaled streets suitable for Kaua'i's small towns. Very quickly, I would like to turn the presentation over to Dale to speak on how there is already a provision in our Subdivision Code to think about the context of the land being subdivided and he can speak to that.

Mr. Cua: A Modification Of Standard or also known as a Modification Of Requirement is contained in Chapter 9 of the Subdivision Ordinance. It is identified as Article 4. Basically, what it is, is very similar to a Variance Permit that you have in the Zoning Ordinance. The primary differencing between the two is that a Modification of Standard of a Modification of Requirement is applicable to standards that are contained in the Subdivision Ordinance, whereas in a Variance Permit those are applicable to development standards contained in our Zoning Ordinance which is Chapter 8. The criteria in granting a modification is very similar to a variance Permit. Essentially the person requesting a modification

would need to justify their request and their request would be held to those standards in granting a Variance Permit. So, they need to demonstrate the special circumstances that would be applicable to their request. The special circumstances would include topography, the size of the parcel, or even constraints, physical constraints that bound the proposed subdivision. Whenever you are looking at a Modification of Requirement or a Modification of Standard, essentially it would be very similar or equivalent to a variance request. The difference, as well, is that a Modification of Standard would be entertained at the time that the subdivision is being considered for tentative approval so it is right at the initial onset. Any time a subdivider request for a deviation from standard after tentative approval, the Subdivision Ordinance specifies that the applicant would have to go through a variance procedure. So, that is the primary difference between the two.

Mr. Steinmetz: Marie did a good job of providing the chronology of what has happened in Kaua'i in terms of things that you have already approved, the Complete Streets Ordinance, the Multi-Modal Land Transportation Plan and kind of given the background of how we got to this point of this particular Ordinance. But I wanted to step back a little bit more than that and just provide another big picture overview of why are we doing this in general? Why are we going in this direction? Why are we even talking about complete streets on Kaua'i and what does this mean? I would just like to start by talking about the design and planning the streets over the last sixty (60) years has really been about moving cars. That has been the focus and the priority of street design and street planning. It was not always that way, way back in the day, before cars were so prevalent, there was really more of an approach to smaller streets, to people being able to walk to get to their destinations, things being closer to each other in terms of commercial and school and all of those kind of thing. Now that is what we are moving back towards or what we are moving towards now. We are moving away from the idea that streets just move cars to the idea that streets move people. When we stop to think about it that is really a pretty radical mind shift in terms of how we think about our streets, how we plan our streets, and how we allocate funding for deciding what we are going to do and the kinds decisions that we make in term of our ordinances. The idea really, is that we need to think about streets being for everybody and I am going to talk about that a little bit more, the importance of this. I want to also just talk about the various benefits. I think we all share the concern of protecting our small town character and that is something that we all really believe in and strongly support. My own personal opinion is when we only focus on cars, that is really what detracts from our small town character because we have so much congestion that we need to then widen our roads and our highways. If we want to talk about changing the rural character of our island, I think that is really what makes a significant change. When we provide facilities for people to be able to walk and ride their bike, we are talking about that mode shift that Mr. Charlier talked about where we are changing how people get from one place to the other so that we do not have to provide as much capacity cars and we are able to keep our

streets narrower. Also, when we have that mindset we think about where we place things so that commercial development is close to where people live, that schools are close to where people live. So, a lot of those short trips can be handled by walk or by bicycle instead of having to get into the car every time you want to go to the grocery store or take your children to school. This is why there is such a relationship between all the way from Planning down to the design when we are getting into the design of these facilities. Marie also mentioned this, that really it is another thing that we talk about in our island is that we care for everybody from *keiki* to *kupuna* and this is really important, again, when we think about sidewalks and safety and having places where kids can be safe without worrying about whether there is going to be a car that is going to come close to them. In some of our areas it may be appropriate to walk on a shoulder, but where we have high volumes and high speeds, and where we have narrow streets, we have a lot of places where there really is not any room to do this and this becomes an unsafe condition. Also, just thinking about, again, going back to Safe Routes to School, I hear so many times how many people tell me I would love for my child to be able to walk to school, but I just do not feel it's safe. I actually was speaking with the Principal recently about implementing Safe Routes to School at their school and he felt like, I would love to do that. I would love to promote walking, but I feel like I am taking a liability issue. I am personally taking liability by promoting Safe Route to School before we have the infrastructure in place for kids to actually be safe this. This is a real serious issue that we have and we have to deal with. Also, I think, one of the best ways that we can respect and honor our elders is to provide them with independent access so that they are able to walk to the store. They are able to walk to their doctor's appointments when they can no longer drive. So, this is an important issue as well. As well as looking at the disabled...

Chair Nakamura:

We have a question for you.

Ms. Yukimura:

Not a question. The word is *kupuna* for the elderly.

Mr. Steinmetz:

Thank you very much. Also, looking at the disabled, and this is actually someone that I think a lot of people have seen and know and again, while it might be okay for us and able-bodied individuals to walk on an unpaved shoulder, it really does not work for people who are disabled who have balance problems. It is important that we recognize that. The idea is really to give people choices so this they can choose the transportation that works best for them. We have talked a lot before about the environmental protection benefits and I will not go into that except just to talk about air quality, water quality, all of these things come into play when we reduce our dependence on cars. I think there is a huge economic development potential that the types of commerce that open up when you have sidewalks and I could talk a lot about this too, just resort development, all the things that are related to complete streets and economic

development. I know you are looking at the budget right now and it is important that we think about reducing our future costs. Right now we are spending a lot of time and effort and dollars at retrofitting. What we are trying to do is minimize the need to retrofit in the future by doing it right the first time when things are built this. There is also just a real value to social interaction, getting to know our neighbors, getting to know our community members, and a lot of that happens on the street, one the sidewalk. There is so much to be said about public health and it is not just people using paths and sidewalks to exercise, it is changing our lifestyle to be more of what we would call active transportation. So, you are walking instead of driving. You are walking or riding a bike to catch a bus and all of these things just through very simple lifestyle changes improve our health. All of this really starts with the vision. It starts with the vision of what we want our County to be like and also that these things can be implemented while still maintaining and preserving our rural character. I think that is part of that vision. But moving from a vision then, we have to move into plans and we have move into implementation. This amendment to the Ordinance is really a step in implementing our vision. Thank you.

Chair Nakamura:
else you would like to add?

Thank you very much. Is there anything

Ms. Williams:

No, that concludes our presentation.

Chair Nakamura:

Councilmember Kagawa.

Mr. Kagawa: Hi, Marie, can you go back to the slide, I do not know if it is easy, where we compared Pikake with the curb and the more naturalized look without the curb? Now, obviously the one on the right just looks way more beautiful. My question is, who would maintain those plants and make sure that they do not become a bill pile of weeds in a few weeks?

Ms. Williams: That is a great question and I would imagine that when you have roads that look like this they become a source of pride for the people who live in the area. So, perhaps the people who live there might be more invested in maintaining it themselves as part of the community group, for example. But as for the mechanics of how the maintenance a rain garden works, I am not to sure if it is usually the local government who maintains. I would imagine it is the Homeowner's Association that perhaps would help maintain.

Mr. Kagawa: Number one (1), I do not believe that would happen. But anyway, this picture on the right, is from what area?

Ms. Williams: Probably the Pacific Northwest where there is a lot of rain.

Mr. Steinmetz: Could I add a bit?

Ms. Kagawa: Yes, you may.

Mr. Steinmetz: Excuse me. I just wanted to mention that a swale does not have to be that detailed and ornamental. There are examples on our island of just grass drainage swales that are easier to maintain and are just simply mowed. There are also examples of swales, one example being by Kukui'ula where native plants were used to do the swale improvements, which basically, because they are native, they do not require water, and the maintenance is a lot lower. I think this particular image is a fairly elaborate example of a swale, but swales can be simpler and designed to reduce the maintenance needs.

Mr. Kagawa: Well, right now we are all in a recession, from the Federal government down to us. I think if we went the more realistic comparison, it would probably be a better sell because we could understand there will not be this enormous other costs that would be added on. I definitely support something that looks more to the right. The added costs of installing the curbs and gutters would be really high, too. But you know, I just do not want us to feel like there is not some related costs that are going to be added with other needs. For myself, I live in a regular subdivision and I think myself and the rest of my neighbors, we mow the County Right-Of-Way and it is just grass. It looks pretty nice. If we were to install sidewalks, I think, it would make our job a little harder because you cannot just mow the whole area. You would have to mow the areas that are not concrete and you probably need a weed whacker so I am a little concerned about those other costs if we extend the sidewalks to include streets close to the schools that for me and my house is definitely a half mile distance to Wilcox. It is just about weighing costs and safety. I like to say that I support safety. I have had a close friend of mine get recently hit by a car on a bike and he is still recovering. But it is just the costs, I am just worried with the costs that would be associated when we adopt this kind of plan at this point in time when the economy is bad, that is just where I am coming from.

Mr. Steinmetz: I just wanted to point out, the top picture on this slide is along the Princeville walkway and that swale as well. That is a drainage swale that is just grass and you are also absolutely right that you also have to look at the cost of all the subsurface improvements that go in with curb and gutters. So, now you have storm drainage systems which also have a huge upfront capital cost, as well as maintenance cost. But you are right, all of those things have to be looked at. But the swales can be designed to be very simple and low maintenance as well.

Mr. Kagawa: Thank you. I appreciate your work. Nice presentation.

Chair Nakamura: Councilmember Rapozo and then Council Chair.

Mr. Furfaro: I will go last because I am not on your Committee.

Mr. Rapozo: Thank you, Chair. If you could go to slides nine and ten, and I know they are not numbered. But two before the one you showed Councilmember Kagawa. That one and the next one. Based on the Ordinance that is proposed, these two would not be in compliance, right?

Ms. Williams: They would be and for the first time ever they would be, if they were located in R-4 and R-6 because this Bill will be allowing people to build a sidewalk in the R district without a curb. So, you could have something like this and that is one of the advantages of this Bill, in my opinion.

Mr. Rapozo: This is permitted in R-10?

Ms. Williams: Right now the standard requires a curb with the sidewalk in R-10 and higher and so what the Bill will be amending is amending that out and just keeping the sidewalk. So, you have the requirement will be a sidewalk in the R-4 district and higher. However, you do not have to do a curb, if you choose to do a different type of drainage system, whether it is a fancy rain garden or more simple grass swale.

Ms. Nakamura: Marie can you help us out by showing where that is removed in the proposed Bill?

Ms. Williams: Yes.

Mr. Rapozo: I am reading Section 3-3. It says curbs gutters and sidewalks shall be provided on both sides of all proposed or existing streets within or abutting the subdivision in commercial, industrial, resort.

Ms. Williams: Okay. If you go to Section 3, that is correct, but go to subsection 3 and subsection (A) of that, it reads, "in residential districts swales may be constructed in lieu of curbs and or gutters in accordance with the drainage standards and design guidelines established by the Department of Public Works," and so that right there is key.

Mr. Rapozo: But that is not a swale and the one before that.

Mr. Steinmetz: That is a swale on the right hand side.

Mr. Rapozo: Go to the one before that. Where is the swale?

Mr. Steinmetz: That is a swale between the road and sidewalk.

Mr. Rapozo: That is a drainage swale?

Mr. Steinmetz: That is a shallow swale, yes.

Mr. Rapozo: Okay. All right. Thank you. I guess that is a matter of interpretation, I guess.

Ms. Williams: I guess the point is if you do not like the look of curbs because it is an urban look, then I would hope that you support this Bill because the first time ever we will be separating that from the sidewalk requirement.

Mr. Rapozo: The other thing is the cost. I think Councilmember Kagawa talked about the cost. Yesterday at our CIP budget we learned that a one hundred twenty (120) foot sidewalk was over three hundred seventy thousand dollars (\$370,000).

Ms. Yukimura: With lights, I think, right?

Mr. Rapozo: I am not sure if it was including all of the lights. But anyways, it is very expensive.

Mr. Steinmetz: If I could add to that as well. The reason for that cost is because it is a retrofit and having to go re-grade the road. It is not the cost of the sidewalk, it is the cost of re-grading of re-working out the drainage because the sidewalk was not part of the original.

Mr. Rapozo: Right. But does this Bill not require it on existing roads?

Mr. Steinmetz: No, this is just for new subdivision development. This is not for retrofit.

Mr. Rapozo: I guess I am reading it wrong because it says, "on proposed or existing streets," that is what I am reading.

Ms. Williams: I am sorry, when they come in as part of a subdivision permit.

Mr. Rapozo: That is not what this says.

Ms. Williams: This will be amending Chapter 9 and Chapter 9 only applies when an applicant comes in.

Mr. Rapozo: Thank you.

Chair Nakamura: Councilmember Bynum.

Mr. Bynum: Thank you for the presentation today. The two takeaways a heard from this besides the rationale of why we are doing this was that this Bill does allow flexibility in the design of the pedestrian element. It does not apply to existing communities and there are mechanisms even within that, the word was not "variance" but Dale talked about and I forget the terminology.

Mr. Rapozo: Waiver.

Mr. Cua: It is called Modification of Standard or Modification of Requirement.

Mr. Bynum: Right. So, there are already provisions to do something different than the Ordinance says, which can be decided by the Planning Commission, is that correct?

Mr. Cua: Yes.

Mr. Bynum: Okay. The other thing, my understanding of swales, is that they are often used in lieu of storm drains and they hold the water, they reduce run off into the ocean which is a pollutant, correct? So, a better way to handle storm water is on site, if you can do it, right?

Mr. Steinmetz: Yes, that is true.

Mr. Bynum: Thank you.

Chair Nakamura: Councilmember Yukimura.

Ms. Yukimura: Thank you very much for this presentation. Very educational and for me this whole concept of blocks is not something that has been in my consciousness, except that in being on this road Akahi Street where Tip Top is. I have actually wanted to go to Kūhiō Highway and I have looked for passageways through there because it is a really long walk to go all the way around and I think that is what you are talking about. My question is, we are setting through this bill at four hundred (400) blocks now?

Ms. Williams: Four hundred fifty (450) feet.

Ms. Yukimura: Four hundred fifty (450). So, why not three hundred (300) or three hundred fifty (350)?

Ms. Williams: I guess that we, of course, when we are working on this Bill last year, we did look at various different lengths and we just felt that four hundred fifty (450) was – that three hundred (300) might be a little bit too much and we wanted to provide developers with more. Four hundred fifty (450) still met the goals that we were seeking to fulfill through this Bill and so we thought it would be fine that the walk able distance or walk able block length, I am sorry, is generally considered to be in the three hundred (300) to five hundred (500) foot range and therefore four hundred fifty (450) falls nicely within that range.

Ms. Yukimura: I see. How long is this road Akahi?

Ms. Williams: I believe that is eight hundred (800) feet. I only know that because we were creating maps of the different street lengths. Sorry I did not include that in the presentation.

Ms. Yukimura: Oh, no, that is alright. So, if it is about eight hundred (800) feet, then half way through is about four hundred (400) and you add another fifty (50) feet and that is how long the blocks would be?

Ms. Williams: That is correct.

Ms. Yukimura: Are you sure it is going to work, four hundred fifty (450) or is four hundred (400) better?

Ms. Williams: Well, I guess there is not really a perfect number.

Ms. Yukimura: Yes, I understand that.

Ms. Williams: It is just reducing the block size to be more human scaled. Yes, we...

Ms. Yukimura: I know it is a judgment call.

Ms. Williams: Yes.

Mr. Steinmetz: Maybe if I could just add to that. Marie and I both did some evaluation at looking at an aerial map, and thank goodness for Google Maps because you can look at just about anything and measure things, and

looking at places that I was familiar with that seemed very walk able to me, I thought how long are those blocks? Then also, there has been some research on this as well and it seemed that the threshold of what is walk able is about five hundred feet (500) and that was both based on this research that I had seen that was done and also my own personal experience, which is totally subjective of measuring various blocks and think, oh, I really thought I would walk there and oh, I did not feel I could walk here and that threshold was about five hundred (500). The four hundred fifty (450) seemed to be within that walk able threshold, but still not being so restrictive that it would be overly burdensome, let us just say, from a cost perspective for development to think about.

Ms. Yukimura: Well, thank you. I can see that you have grappled with it and thought about it. Thank you very much.

Mr. Furfaro: First of all, thank you for the presentation. I want to make sure that you do not take my comment out of context because I do not think this is all about complete streets. I will charge the Planning Department to be a little more specific about repair and maintenance as it relates to us eventually connecting subdivisions and old neighborhoods together because I am a little bit concerned. Later today I am making a presentation about the Parks Department and repair and maintaining, r&m I government, maintaining what we have with a reasonable quality. Recently the State goes through this, too, they are talking about all of this money to repair the roof of the State Building. But if you go up there, you will see the planters are broken and there is no ongoing repair and maintenance, different from what you folks are talking about as capital improvement. I think planning, if we are going to say ourselves, that we are going to design a policy about Safe Routes to School, that mandates some requirements well then, we also have to be prepared in planning to talk honestly with the community about the costs it adds to repair and maintenance. You gave some examples. I live in one of those neighborhoods that you showed up there that currently that currently has walking. I pay six hundred forty-eight dollars (\$648) a year in community association dues to pay for the maintenance of those walk areas. I mean that is a real number in government. Then you showed us Kapa'a. I remember when Mina Morita got the money to put in that walking route over there. But there was no money provided to regularly weed whack and trim the sidewalk. It is a real cost to folks. Okay? So, I do not want to get it mixed up with adding Safe Routes to School and walking areas. I agree that this Bill is certainly about new subdivisions, but those subdivisions may also have the time to form a community association which would then pay dues to maintain these things. So, there is the community association, then some of these even have protective covenants that deal with these items, and then there is the County of Kaua'i. That is a real cost, and planning, you should be charged with that. I want to make sure Mr. Nakamura, you folks understand that. We are throwing all of this talent from

Engineering and so forth, there are repair and maintenance costs going to be associated with anything that we do.

Now Mr. Rapozo brought up three hundred seventy-four thousand dollars (\$374,000) of estimates for the Puhi Road. Yes, I think it did include a few other amenities, including lights, but even at that, yesterday, the Engineering Department said that number may be too low. I think for planning, I am saying to you folks, this question about costs to maintain the improvements is important because what I am going to show later today is the fact that the Parks Department does not get regular money for repair and maintenance of our pavilions and so forth. They just deteriorate and deteriorate and deteriorate to the point that they do not portray the quality that we really want to know and nobody, not the Mayor, not the Administration, not Planning, is responsible to fund those repairs and maintenance. That is Council business. We need to make sure we understand, there are costs associated in doing the right thing for the right reason, for the right people, especially our seniors, our kids, and those that are disabled. There are costs associated with that. So, please understand from my point, you have to be realistic about that. The days of dragging a balsa wood surfboard on the highway, so it all gets shaved down on one side because you are going to surf at Pine Trees, that is not what our community is about anymore, even though the board only going one way because it has been shaved from dragging it down the road. But maintenance and repair is a cost to this project. It should be. Thank you, Committee Chair.

Chair Nakamura:

Thank you. Councilmember Hooser.

Mr. Hooser: Yes as a non-committee member I just wanted to comment and a question or so. Thank you very much for the presentation. It was very informative and I also, learned about block sizes and some other things. I certainly support the direction that we are going with this. The existing block size minimum or maximum, I should say is one thousand (1,000), is that what you said?

Ms. Williams: It is one thousand eight hundred (1,800) feet.

Mr. Hooser: One thousand eight hundred (1,800)? So, we are going from one thousand eight hundred (1,800) to four hundred fifty (450)?

Ms. Williams: Yes.

Mr. Hooser: Are there are existing subdivisions with One thousand eight hundred (1,800) blocks?

Ms. Williams: No, that is quite long. But we do have a lot of subdivision where it is typical to see block lengths of about one thousand (1,000)

feet, which makes it difficult to walk around where you live, even if the park is only a few streets down for example. So, it seems like a quite drastic decrease, but we have few blocks that are actually one thousand eight hundred (1,800) first of all, and like we already talked about, three hundred (300) feet to five hundred (500) feet is generally what people are willing to walk when you think about the block sizes of a neighborhood.

Mr. Hooser: Some of the improvements or suggestions or changes would clearly cost money and some seem like might save money in terms of elimination of gutters. You might eliminate some of the storm drain requirements. So, clearly shortening blocks would increase costs, in my opinion to developers. So, it would take out more pavement, more costs my question is, have you met with the development community or people like that to get their feedback on these changes as to costs and how that might impact housing costs and that kind of thing?

Ms. Williams: Well, the cost aspect is definitely something that we thought about and that is why we wanted to make the centers as flexible possible so developers come in with more choice. But, no, we have not met with the development community on this.

Mr. Steinmetz: If I could add to that. The cost part of it, there are so many factors to consider. So, while we are adding more streets by reducing the block length, part of the problem now is that the way streets are set up it you have a lot of long streets and then they feed into other streets. You do not have a lot of choice about which streets you can take. For example, you have to go to the highway or you have to a main street and you cannot cut through blocks. When you have more of a block or grid pattern, that allows those streets to be narrower because you do not have the hierarchy of streets of going from and arterial to collector, all of these different kinds of streets. While there may be more streets, the overall footprint of street and the total square footage of streets may not be that much different. If you take that to the next step when you look at the way things are setup now where so many of our neighborhoods feed onto one highway and so now we have to look at widening those highways. There is a huge cost associates with those larger roadway networks that are not part of the subdivision itself, but become County or State cost that are incurred. So it is hard to look at just the costs of the subdivision itself. There is broader costs and broader implications and then on top of that one of the things the Mr. Charlier talked about was the per capita transportation cost. So, when you are not able to walk or ride your bike or do these short trip, a lot of families have to get two (2) cars rather than one (1) car. So, have you these incredible personal transportation costs, I am not saying that, people are still going to want to do that. That is fine, but what ends up happening is the personal transportation costs that people incur end up going way higher because now you paying for way more gas, you have to have auto insurance for more cars. I think when we need to look at all of those costs and some of course those are County

incurred costs, some of those are personal incurred, some of those are development incurred. But it is not a real simple issue.

Mr. Hooser: Got it. Thank you very much.

Ms. Nakamura: I would like to just continue on with the Council Committee questions, and then ask for public testimony, and then we can come back to our discussion. So questions? Councilmember Rapozo?

Mr. Rapozo: I had one more question pertaining to the agriculture district, they are not covered by this?

Ms. Williams: No.

Mr. Rapozo: So, those agricultural subdivisions, Gentleman Estates, which is really not agriculture...we do not see too many agricultural parcels being developed for agriculture anymore. It is all for Gentleman Estates. These guys would be exempt?

Ms. Williams: Yes, and that is because we feel that commercial areas and town are places that people should be able to walk and agriculture area, it is quite, we do not need the same type of walking facilities there.

Mr. Rapozo: In a perfect world, right agriculture would be agriculture?

Ms. Williams: Yes.

Mr. Rapozo: But let us be real. Kalihiwai Ridge, it is an agriculture subdivision. It is all Gentleman Estates. It is mansions up there, a few of them do farm. But a lot of them do not. North Shore, you have a lot of agriculture properties and agriculture subdivisions that do not farm. They may plant some trees, put a couple of horse or a cow, some chickens, so that they can enjoy their paradise here. But they would be exempt?

Ms. Williams: Yes.

Mr. Rapozo: And the reason?

Ms. Williams: It is in an agriculture district and even if that is the case, we did not want to require any subdivision in the agriculture district to build a sidewalk. Those could be very, very long sidewalks because the lot sizes are pretty big and they might not be used too much.

Mr. Rapozo: But I guess, all the rationale that you are using for people to walk. I mean these agriculture, would they not be the same? Should they have the same? Really? I am being real. I am not talking about Moloka'a farmers where they are true farmers. I am talking about this subdivisions, which we have identified. All it takes is one little pass in the area and you can see these agriculture subdivisions/Gentleman Estates and granted it is expensive for them. But they are the ones with the money. They have families, they have kids, they go to school. But it was just because we felt that the designation for agriculture, we are just going to believe they are farmers and they do not need to.

Ms. Williams: Well, we have to look at the intent of the zone as well and agriculture is meant for agriculture and therefore, we did not think it was appropriate to apply the sidewalk standard there.

Mr. Rapozo: Okay. Thank you.

Chair Nakamura: Councilmember Yukimura and then Councilmember Bynum.

Ms. Yukimura: So, your point about the purpose of agriculture, I think is well taken. Is it not true also that we will be looking at regulations of agriculture land especially as Important Agricultural Lands (IAL) comes up in terms of making sure that the purpose is met, agriculture rather than residential? So, we are not really talking residential being the main purpose of agriculture lands.

Ms. Williams: Correct.

Ms. Yukimura: Will the amendments proposed in this Bill make residential subdivisions safer?

Ms. Williams: Yes. We think so. Cars move fast and they are big. If you get hit by a car, even if it is moving thirty-five miles per hour (35 mph), there is a pretty good chance that you might die. We feel that places where there are people who live there and children, that they do deserve a safe place to walk and move around their town. So, it really comes down to that.

Ms. Yukimura: Thank you.

Chair Nakamura: Councilmember Bynum.

Mr. Bynum: I just want to point out that in 2000 the General Plan told us to eliminate or restrict agriculture subdivisions and the public record will show that the County Councils in 2000, 2002, 2008, and 2010 rejected

proposals to eliminate or restrict agriculture subdivisions. I do not think that is really an issue for this discussion.

Chair Nakamura:

Councilmember Rapozo.

Mr. Rapozo: So that same rationale would be applied to industrial as well? You folks believe that in industrial areas that we should open it up for people walking?

Ms. Williams: Well, I apologize that the PowerPoint did not get into that. I realized that when I was actually giving the presentation. But the reason we decided to include industrial as well is because just out industrial areas are almost directly adjacent to our towns. They are part of our towns and they are directly adjacent to where people live and more and more we see tourists going into our industrial areas and food places as well. Therefore we thought well, if somebody is going to construct a brand new industrial area, it is going to be right next to our town, it is going to be part of our town and therefore it makes sense to include the pedestrian walkways there as well so people could perhaps walk to work or walk to the stores that might be in the area and their food establishments there as well more and more.

Mr. Rapozo: That is assuming that the industrial project will be next to a residential area.

Ms. Williams: Yes and when we think about that, we can think about the policy in our General Plan which basically does requires us to have compact urban cores. So, if somebody tried to rezone an industrial parcel far away from a town, there is a likelihood that would not occur. So, just looking at the policies it is likely that our new industrial areas will be adjacent to our towns.

Mr. Rapozo:

Thank you.

Chair Nakamura: Any further questions? I had a couple of questions. One has to do with page 2 of the proposed Bill, Section 3 (B), relating to the in lieu fees. I wanted to find out when you calculate the in lieu fee, if it is decided that the developer does not have to construct the sidewalk, they pay an in lieu fee. Is that fee based on just the sidewalk alone or the sidewalk, curb, and gutters, the expense that would be avoided?

Ms. Williams: I believe that our intention, because it is a little complex was to develop rules for this. But right now we are thinking that it would just be for the sidewalk and the cost of the sidewalk as it is built as part of the actual project, not as a separate project which would cost a lot more. So, the intention would be for the fee in lieu to represent that the cost of constructing the

sidewalk as part of building the road and the homes and as part of the actual subdivision project.

Chair Nakamura: I just wanted to clarify that because you only make reference to the sidewalk in this section. You do not make reference to anything else. So, the administration rules will follow this intent?

Ms. Williams: Yes because even if they do not have a sidewalk, they still have to drain rainwater somewhere.

Chair Nakamura: The "Rapozo Amendment" works off of a three thousand (3,000) unit cut off exception for communities with three thousand (3,000) populations, in communities whose populations exceeds three thousand (3,000) units where there would be some exceptions. Can you please comment on that proposal?

Ms. Williams: We only received this floor amendment just now. But I believe that it is something that we, in Planning Department, that we have already work looked and responded to. Councilmember Yukimura sent us a request asking us to consider some of the amendments and I believe that they were proposed by Mr. Carl Imparato who is here. First of all, we really appreciate the effort time that went into creating the language. However, we feel that, and I think that we showed this in the PowerPoint that all of our small towns, we have to ensure that new development that comes into every single one of our small towns enhance the small town character and provides safe places for people to walk. We do not think that is different whether you are in Kōloa or Līhu'e. So, we do not support a population threshold. You also have to consider that a subdivision, when it comes in, a very large division could affectively cripple the size of your town. So, if we are looking at population thresholds, the fact that new development changes your town. It is going to increase the number of people living in your town.

Chair Nakamura: Any further questions for the Planning Department staff? Thank you for now. I am going to ask how many people...

Mr. Rapozo: I am sorry I have one more question and it is a follow-up to the in lieu fee you had. Right now the Ordinance says that basically the applicant would pay the County an in lieu fee of what it would have cost them to build the sidewalk, which would be much less than the County going in and retrofitting or going in and building the sidewalks.

Ms. Williams: That is true.

Mr. Rapozo: Then the other part of that and on my amendment as well, and I am thinking that I should change that, says that the fees

collected may be expended by the County Engineer for sidewalks. I can tell you right now, if that money became available today, let us say if this was in place in today's fiscal time, this County would be using that fund probably not to build a sidewalk because we are so strapped for cash. So, what happens? No sidewalk is built and the developer gets away by paying a minimal cost because he is only going to pay what he can provide to the Planning Department saying, "If we put this sidewalk in at the time of construction, it may cost one hundred thousand dollars (\$100,000) for the County to go in. Now we will see what the County pays because we get the discounted rate, I mean the reverse discount. When the County goes out to bid, we get the little higher cost. So, obviously the County is going to fall backwards and we are going to be upside down, and in my opinion there is a ninety percent (90%) chance that sidewalk will not be built. So, so much for the Ordinance and so much for the purpose of the Ordinance. How could we get the developer to pay for the sidewalk if, in fact, this passes because I can see developers just paying the fee and we do not get a sidewalk and we do not use the funds, and first of all, the funds would not be enough anyway.

Mr. Steinmetz: I think you bring up some really good points and I just want to say that the Ordinance sets some conditions about when that can occur, when the in lieu fee could occur? So, one is if it is determined that due to topography or another reason that it is really not feasible to build a sidewalk or if there is some other existing condition that accommodates pedestrian access, that those are the reasons that a developer can do the in lieu fee. The developer cannot just say, "I do not want to build a sidewalk and I would rather pay the money than build a sidewalk." That would not be consistent with the way that the Ordinance is written. So, there are specific reasons for that about when that occurs and that is also up to the discretion of the Planning Director to accept that in lieu fee and understand the reason for it.

Mr. Rapozo: The County Attorney has reviewed that because I cannot imagine that it would be legal to say you pay us for something that cannot be built because of topography? I not asking you, other than did the County Attorney reviewed that because if I am the applicant and there is no way I can build a sidewalk, the County is going to make me pay for a sidewalk that cannot be built?

Ms. Williams: Yes, it was reviewed by our Counsel.

Mr. Rapozo: And that is okay?

Mr. Steinmetz: Just to add a little bit more. The reason for having that fee is that the County can then use that money to build a sidewalk elsewhere where it is feasible to build a sidewalk. It does not mean that the County...the idea is not that the County is going to go build a sidewalk where the developer should have built a sidewalk. The idea is to have a fund available to be

able to do some of this other work or provide connections where we do not have them now.

Mr. Rapozo: Alright. I just think that is a challengeable clause because again, you are going to make them pay a fee for something and we will ask the Attorney later. We will do it in writing. I am sure he needs to go review that. But that is just my concern. If I am a developer, I would say why would I pay for something that cannot be built, for you to go build a sidewalk in other district? I do not know if that is legal or not. Anyway, we will address that with the Attorney.

Chair Nakamura: Thank you. Just a follow-up question. So, who makes that ultimate decision whether an in lieu fee is acceptable? Is it the Department of Public Works or it is the Planning Commission?

Ms. Williams: It is the Department of Public Works, the County Engineer, who would be determining that. I believe the language reads that the Department of Public Works if he determines that sidewalk construction is infeasible due to pending street or utility construction or unnecessary, if an alternate method pedestrian circulation exists, and some of the examples were a greenway that might already have a sidewalk path that may run adjacent to a pathway for example. We do not think that this would be a very used, often used, circumstance. Then the Planning Commission shall require the subdivider to pay the fee in lieu. But it is the County Engineer that would determine whether or not this section could be applied.

Chair Nakamura: So, at the type of subdivision approval, the Planning Commission adds this condition?

Ms. Williams: Yes, during the subdivision approval process.

Chair Nakamura: Councilmember Yukimura.

Ms. Yukimura: Thank you for raising that question. Just to make sure that I heard right. The Public Works Department will make its recommendation as part of the circulation that goes on during the subdivision?

Ms. Williams: Correct, yes.

Ms. Yukimura: Process? But it will be finalized in a preliminary subdivision approval as a condition of subdivision approval?

Ms. Williams: Yes, and it is the Planning Commission that is the one that lays force, the conditions associated with the preliminary subdivision approval.

Ms. Yukimura: Right. So, the determination is made as a recommendation from Public Works Engineer and it is memorialized as a condition in the preliminary subdivision approval? Is that correct?

Ms. Williams: I think that is how the process would work or the Subdivision Planner can speak to that.

Mr. Cua: Just for clarification, typically if the subdivider is looking to deviate from that particular requirement from the onset, it would be requested at the initial onset of the subdivision application so it is already known. Whether Public Works can support the request or not, it is usually conditioned as part of the requirements from the Department.

Ms. Yukimura: Thank you.

Chair Nakamura: If there are no further questions at this time, I would like you to step aside and then we are going to open it up to public testimony and we may be calling you back up if there are follow-up questions. So, I am going to ask the Clerk how many people have signed up to testify?

ALLISON S. ARAKAKI, Council Services Assistant I: I have one (1) registered speaker

Chair Nakamura: So if anyone else would like to testify, can you please sign up here?

There being no objections, the rules were suspended to take public testimony.

TOMMY NOYES: Good morning Council Vice Chair Nakamura and Councilmembers. I am here this morning representing Kaua'i Path Incorporated, a non-profit 501-(C)3 organization, and we advocate for better walking and bicycling facilities around Kaua'i, Hawai'i and the United States. I am here in support of the Bill No. 2465, prior to Councilmember Rapozo's amendment, so my comments would be for the Bill without the three thousand (3,000) population provision. Thank you for the opportunity for Kaua'i Path Incorporated to express support for this Bill. Rapid increases in mechanization in the last half of the 20th century around the Country and including Hawai'i, have engineered physical activity out of daily life for many people. Changes in mode of personal travel have been dramatic with private motor vehicle trips replacing public transit use, walking, and bicycling. The purpose of Bill No. 2465 is to reinvigorate the

traditional modes of travel, transportation, walking, bicycling, and public transit that once were typical methods we relied upon to move within and between our community. Currently, many people on Kaua'i refrain from walking or bicycling as basic transportation modes because they are threatened by their exposure to passing automobiles. The State of Hawai'i had documented high rate of pedestrian traffic fatalities particularly among our elderly populations, underscores this concerns validity. The safety provided by sidewalks, Safe Routes to Schools, bicycling infrastructure, and traffic calming, shorter residential block lengths designed for users of all ages and abilities are the basic components that enable and encourage more active lifestyles in our daily routines. This Bill reflects current best practices in planning for strong, connected, and environmentally friendly communities. If passed, the measures in Bill No. 2465 will demonstrate our local government's commitment to transportation and land use policies that will provide attractive transportation alternatives, thereby reducing our dependency on greenhouse gas producing fossil fuels. This is a positive step towards creating more active everyday lifestyle for healthier Kaua'i residents and again, I would reiterate that this is comment on version the Bill without the three thousand (3,000) population stipulation, which would essentially minimize the impact of the measure. Thank you very much.

Chair Nakamura: Thank you. Are there any question for Mr. Noyes? If not, thank you very much, Thomas.

BEV BRODY: My name is Bev Brody and I am the Physical Activity and Nutrition Coordinator for Get Fit Kaua'i, which is for the County of Kaua'i and in my position I am not allowed to advocate, but I can educate. So, wearing this hat, I would just like to educate or reiterate what you already know. Is that long blocks are really inconvenient and unsafe for pedestrians. They commonly have crosswalks only at the intersections which encourages very, very unsafe mid-street crossings. Long blocks also encourage higher vehicle speeds due to fewer calming mechanisms, that shorter blocks lengths with more frequent intersections provide. Also, shorter blocks and more crosswalks provide flexibility options for pedestrians and make walking the default choice. Currently, our community is really not designed for walking or biking. Our community design has taken exercise out of our lives. We spend more time in our cars then we do walking. As a result, our health is suffering. Obesity rates are at an all time high and continue to climb. Obesity is linked to heart disease, diabetes, cancers, and many, many other ailments. Education is important, but if our environment does not support access to healthy foods and safe places for physical activity, the education is not going to go very far. We want environments where the healthy choice is the easiest choice to make and you as the Council have the power to make that decision for us.

Hello my name is Bev Brody and I am a citizen of Kaua'i. I would like to show you a picture many this is this is my dad. My dad's name is Hank and growing up we called him "Hank The Bank," in fact we still do. He is ninety-six (96) years old and he just visited Kaua'i, he visits Kaua'i every year. He flies here on his own, at ninety-six (96), West Jet direct. We pick him up and he comes here. He has a personal trainer three (3) times a week where he lives and he is able to walk to grocery stores. He live of Vancouver, one of the most walk able cities in the entire Country and one of the reasons why it is so walk able is because they have very, very short block lengths. They have sidewalks and pathways. He also lives in Suburbia, outside of Vancouver. They have community pathways that take them and get them to places where they do not have one thousand six hundred (1,600) foot block lengths. If that was case, we not be able to do what he does. He comes here and when he comes here he does not get the exercise that he could because of the long, and we live in a neighborhood where there is very long block lengths and he cannot walk to the store so he depends on us to drive him. My point is that have I his genes and I am going to be here for a very, very, very long time. When I grow old, I want to be able to walk. I do not want to have to get into my car or depend to someone to take me where I need to go. If we have short block lengths not only is that best for the health of our community, but it is great for longevity. Mel, I love you, but you know what? I got to say that I disagree with your amendments. Okay? I really think that we cannot put a threshold on that population, that we really need adopt this Bill as written. I urge you with every ounce of my being, to please, for the health of our community, for the happiness of our community, except the amendments to the Bill as written. Thank you very much.

W. HOWARD GREGG: Good morning, Councilmembers. I am a Park & Recreation and Conservation Open Space professional for forty-five (45) years now. The last thirty-one (31) actually was a certified professional through the National Recreation & Park Association. So, what does a Park Professional have to do with Subdivision Ordinance? Well, when I was working for many local governments often, the Parks Department had representatives on the Subdivision Control Committees. I have been involved in literally hundreds of subdivision plan reviews and I can tell you that this particular Bill is very, very important. It is important because it begins to move you from policy to practice and it is really important that will staff get a message that pedestrians and considering pedestrians in their planning is important. It is important to Kaua'i and it is important though this Council and local government, and as you have heard, it is important to everyone's health and well being, livability, walk ability notwithstanding. I would like to take just a minute to address some of the Councilmember Rapozo's questions based on experience. Number one (1), maintenance. In almost all of the jurisdictions that I have been involved, the maintenance of at least grass swales and trees was the responsibility of those property owners fronting the road at that location. We have never had a situation where that has become a problem so the annual or the ongoing maintenance

becomes the responsibility of the property owner as long as the maintenance or the landscape is not so complicated that it becomes a problem for someone. In those cases, in many instances, the County or the City will require a larger subdivision to actually develop a Homeowner's Association or special taxing district that makes provisions for that maintenance. Thereby the local government is deferred from having to make those expenditures. Superblocks, we have had many situations in my experience where the superblocks actually become a deterrent from children being able to go to the park, being able to go to the library, or being able to go to school. So, super blocks, even though you may live half a mile from the school, mom or dad still those drive you there. I am very supportive of the block size downsizing. Agriculture, in almost all of the jurisdictions I have been involved with, agriculture was exempt from subdivision controls kinds of legislation.

Finally, in industrial areas when I take my car to be serviced, my wife will go to Two Frogs Hugging or to the tile store or to a restaurant in the area. So, having the industrial areas included is important. In short, I support this Bill and I ask that you support it as well. I have no problem with providing due consideration amendment, but I do not agree with the three thousand (3,000) resident threshold. Thank you very much.

Chair Nakamura: Thank you. Are there any questions for Mr. Gregg? Yes, can you please hold on, there are a few questions for you. Councilmember Kagawa.

Mr. Kagawa: I got to talk to you earlier and I appreciate you coming and speaking to this Bill. Where was most of your work done?

Mr. Gregg: Thirty-four (34) years I was associated with the Parks Department in Miami Dade County, Florida.

Mr. Kagawa: Would you say the cost of housing was really high where you were?

Mr. Gregg: Very high.

Mr. Kagawa: In Miami?

Mr. Gregg: It was high, Yes.

Mr. Kagawa: I am just making sure that we are comparing apples with apples and in Hawai'i I just visited our largest island, Las Vegas. I got to talk to one of my relatives and she lives in Henderson and her house, magnificent, two (2) story house. She said she bought it a couple of years ago at two hundred fifty thousand dollars (\$250,000) and it had complete streets, curbs and in

Kaua'i two hundred fifty thousand dollars (\$250,000), you are lucky if you can get a one (1) bedroom townhouse. So, I am just worried that we want to be like the mainland and require these curbs and streets. But when we are comparing the cost of the house and the land, when we bring those mainland ideals here, I do not know if we can afford it. I do not know if you feel like that may be a concern.

Mr. Gregg: I have never met a developer that did not complain about the cost to produce a house. It depends on the neighborhood. It depends on the area. It depends on a lot of variables there. What I can tell you is that I do not believe we can afford to have children in the streets in an unsafe condition or people with disabilities. My wife has a mobility disability and it is not easy for her to get around even in the more developed parts of Kaua'i because the pedestrian is at risk here on Kaua'i. I believe that people have a right to be able to walk or ride a bicycle to the park, to the school, to the library, to a health center and I believe that really is what the policy needs to articulate.

Mr. Kagawa: Thank you.

Chair Nakamura: Councilmember Rapozo?

Mr. Rapozo: Thank you for being here. Did you work on this plan? .

Mr. Gregg: Did I? No, I did not.

Mr. Rapozo: What is your affiliation? Do you live here?

Mr. Gregg: Yes, sir.

Mr. Rapozo: How long have you lived here?

Mr. Gregg: Five (5) years.

Mr. Rapozo: Has anyone looked to see what the number of incidents of pedestrian accidents on subdivisions on Kaua'i?

Mr. Gregg: You are asking the wrong person.

Mr. Rapozo: Yes, I know. It sounds like you are pretty informed.

Mr. Gregg: All I can tell you is that I am pretty observant. I have done some work for a local shopping center. I know what it takes for someone to get from Kukui Grove to Costco, to Home Depot, to the professional

offices that are by the credit union or to the Veteran's Affairs (VA) Outpatient Center. VA helps patients will take the bus to Kukui Grove and it is very, very treacherous for them to get from Kukui Grove to the VA Outpatient Center that is just across the street. So, I observe those kinds of things and I am dismayed, honestly, by those kinds of situations.

Mr. Rapozo: That is kind of a busy, almost an industrial/commercial area. But I was more interested in the residential areas, the subdivisions, which is what this Bill impacts.

Mr. Gregg: Right.

Mr. Rapozo: That is the number that I just do not know. I have asked staff to check with the Kaua'i Police Department, but I do not think they will be able to put together the numbers today.

Mr. Gregg: I can tell you from personal experience, not on this island, but in the community that I lived in some years ago, that I had three (3) close personal friends walking their dogs in a subdivision without sidewalks that were hit by cars in the early morning hours because visibilities was bad. It is just a fact of life, if you do not have paths, or walkways, or somewhere for people to go in residential neighborhoods.

Mr. Rapozo: As with lights. Lights, it think, would create a much safer environment for people walking at this point. Most of our subdivisions do not have lights, absolutely no lighting.

Mr. Gregg: True.

Mr. Rapozo: And the visibility issue definitely would be improved if we had lights. Thank you.

CARL IMPARATO: Aloha Councilmembers. I live in Hanalei. In February I submitted testimony on this Bill regarding my concern that the development standards that are proposed would directly conflict with efforts to maintain the rural character of many of Kaua'i's communities. The Bill's proposed standards are in effect to further suburbanize Kaua'i's rural communities. The subdivision standards that are proposed would require sidewalks installed on both sides of all proposed streets and all new subdivisions in all communities on Kaua'i and on existing streets that abut those new subdivisions if the subdivision is in a commercial, industrial, resort, or R-2 or greater density zoned. These standards would apply even to four (4) lot subdivisions. For example, on a one (1) acre lot vacant lot in Hanalei, that is zoned R-4, someone would have to put in sidewalks. They would have to put sidewalks, for example, on Weke Road, if that lot was on

Weke Road. The Planning Department's slides really do not show that kind of thing when they showed the various swales and rural paths. Place like Weke Road do not have space for that kind of things. So, what we are talking about here is in many of rural communities, is basically changing the very character when someone puts in a small subdivision. The proposed standards might be appropriate for parts of some of Kaua'i's communities, but not appropriate for most of Kaua'i's rural areas and communities. The problem with the Bill, whose intention is very, very good, is that neither the Bill nor the Planning Department's policies offer any deference whatsoever to the desires of local communities. They reflect the concept of central planning and ubiquitous sidewalks, the was what Planning Department was advocating just in January, in every community on Kaua'i rather than local control and a more balanced approach that would require sidewalks and urban standards only in urbanized parts of the communities. So, for those reasons I submitted testimony to the Council in March asking that you consider amendment and I appreciate very much that Mr. Rapozo has brought forth amendments which would say that this Bill would apply automatically only to communities greater than three thousand (3,000) residents and smaller communities, if they have a local development plan that supports this, they would also have this ability to have these sidewalks. But leave it up to the local communities. Now why are amendments like Mr. Rapozo's necessary? The answer is because without them the Planning Department will, it will apply complete streets, urban standards to every community on Kaua'i, that discussion about flexibility of that application of standards provides absolutely no comfort to me as it is the Planning Department, not the community that gets to decide on the flexibility. As an instructive case I asked you to consider what happened just last month at the Planning Department, when there was a small office building. A small office building proposed along Kūhiō Highway in Hanalei. The developer and the community both agreed that the building should be set back from the highway. The Planning Department said no, they wanted it right along the highway because that would support complete streets. So, even though the community association had provided testimony in May of 2012 and in January of 2013, there was into response from Planning Department, no engagement from the Planning Department. The Planning Department vociferously opposed community developer consensus and it argued strenuously to set the building along the street. So, the outcome is now that instead of an office building it is going to be a retail building and have more trinket shops along Hanalei's is main street. So, we are going to have something more like Lahaina. What this illustrates is that the Planning Department has used and will continue to use complete street to support the mantra of complete streets. The Council here in January said, "Give deference to local communities." That was ignored completely. Planning continue to ignore the North Shore Development Plan Ordinance. The North Shore Development Plan Ordinance says that there is supposed to be a Hanalei, Princeville Improvements Advisory Committee whose purposed include ensuring community participation on decision affecting the future of the North Shore. There is not any North Shore Improvements Advisory Committee. Planning

ignores the General Plan which says government agencies and private applicants should consult and solicit input from the community organizations. Planning ignores the General Plan's vision that County government should "reach out to involved stakeholders and empower and encourage citizen participation." Finally, Planning ignores the General Plan's vision that Kaua'i will be an island of distinctly individual towns and communities with a unique history and character instead, the Planning Department's model is for Hanalei and other communities to look like Kōloa or Lahaina.

I appeal therefore for the County Council for help because it is clear that while the goals of complete streets are appropriate and I believe everyone supports those goals, even in small communities, the Planning Department is instead driven by an urban vision and we need your help to basically balance the playing field, level of the playing field because the talk about flexibility from the Planning Department is very deceptive. In closing, I remind you in January the Council did seemed to be unanimous in agreeing that sidewalks, curbs, and gutters should not know be the vision for Kaua'i rural communities. Local communities should have a major say in determining how communities evolve, but the Planning Department feels different. The complete streets standards should apply everywhere according to them and experience proves that. This is not about, and Councilmember Rapozo's amendments as I believe it, are not about whether complete streets or bad or good? It is about who gets to decide? It is about whether it is the community's or whether it is the Planning Department's? The same Planning Department that supported five (5) foot to eight (8) foot wide sidewalks throughout Kaua'i, that Planning Department. The Planning Department that shown no sensitivity to local character and that is why it is so important to have the thresholds put in there. The proposed changes that are proposed by Councilmember Rapozo would change Bill No. 2465 from a one (1) size fits all centralized planning model to one in which deference would finally be given to the smaller rural communities. So, I urge you to make those changes if you want to protect those communities and I thank you for your time and attention.

Chair Nakamura: Thank you, very much Mr. Imparato. Are there any questions for Mr. Imparato?

Ms. Yukimura: Carl, you keep talking about curbs and gutters and the slideshow showed that the requirement is not for curbs and gutters and, in fact loosens up the requirement for curbs and gutters. Is it still your understanding that this Bill would require curbs and gutters?

Mr. Imparato: Curbs gutters and sidewalks shall be provided on both sides of all proposed or existing streets within or abutting the subdivision. There are examples...

Ms. Yukimura: Where are you reading from? Are you reading from the law itself?

Mr. Imparato: From the proposed Ordinance.

Ms. Yukimura: Which section?

Mr. Imparato: Section 3, Item 3.

Chair Nakamura: On page 2 of the original Bill.

Mr. Imparato: Now, what Planning has said is that there can be some exceptions made.

Ms. Yukimura: Yes.

Mr. Imparato: In residential district, swales may be constructed in lieu of curbs and/or gutters in accordance with standard steps by Public Works.

Ms. Yukimura: Right.

Mr. Imparato: So, in general the vision is for curbs, gutters and sidewalks, there can be exceptions. But let me say my concern is not so much that Planning would always require curbs and gutters, but sidewalks and the definition of "sidewalk," is a definition that, has Planning has indicated, is up to Planning to decide. It is up to Planning to decide whether a sidewalk is going to be that five (5) foot to eight (8) foot sidewalk that Planning.

Ms. Yukimura: Well, I think it is going to be according to rules that are promulgated pursuant to public hearing. So, that is theoretically the community will. In terms of a process that includes the public input. I do not think we can assume it is going to be five (5) foot to eight (8) foot concrete structures. I think the presentation showed that there was a wide range of possibilities.

Mr. Imparato: I agree with you Councilmember that there is a wide range of possibility. What I am saying is that the parties that are going to determine which possibility is put into effect, in actuality, is either the Planning Department, which has indicated zero sensitivity towards these issues or if rules are promulgated, then at that time we are going to have the same discussion that we are having here right now, which is should those rules provide flexibility for local communities? I will be honest, if those rules are promulgated before the Planning Commission, I feel there is a lot lesser chance of anyone caring over there about preserving the rural environment than I feel we have in front of this Council.

I think sooner or later, someone is going to have to decide whether rural communities, their future, is going to be determined through collaborative work with the rural community itself or by the Planning Department? Sooner or later that is going to have to be determined and I think the right place to determine is here and now with you folks.

Ms. Yukimura: Do you feel that you are articulating the will of the community? Your position is the will of the community?

Mr. Imparato: I am articulating only my own position.

Ms. Yukimura: Right.

Mr. Imparato: I do believe that there are many people who believe that the community should have the final say in this. I know of no one (1) in my circle of course, who thinks that the right way to handle this is to basically let Planning take complete charge and let Planning ask the community because Planning has never asked the community. As I pointed out, JoAnn, in May of 2012 the Hanalei to Hā'ena Community Association, not me, the Community Association indicated its strong support, along with the developer, for putting animal is office building away from the road. That was in May of 2012. There was zero engagement from the Planning Department with the Community Association, not with me. I am only one person.

Ms. Yukimura: What is the Community Association's position on this Bill?

Mr. Imparato: It has not come before the Community Association because of time considerations.

Ms. Yukimura: Well, time considerations, I mean this is the process by which we try to determine community will. We are having public testimony and there are a lot of people who have testified today who have a different position. What would you say is the community will as to this Bill?

Mr. Imparato: I would say that my will as to the Bill is as you heard that I support giving the local community a strong say so in how complete streets is implemented. I believe that is also the will of other folks who have testified on complete streets in the past, Barbara Robeson and Maka'ala Ka'aumoana. I believe it is probably a strong feeling as you would see in most of Hanalei. But and I cannot speak for others at this point.

Ms. Yukimura: I have received a lot of input from people in Hanalei that says they are very concerned about safety of pedestrians. Anyway,

the problem is how do you determine "community will?" I think we have a process, even when you confer with community associations, it partly depends on how much work they do to reach out to the community or whether they are run by a small group of people who claim to represent. So, it vary and community will is not easily determined. I do not know how you would determine the community will in Hā'ena, Wainiha, Hanalei, and Princeville? The workability of your proposal is what I am asking to understand.

Mr. Imparato: Well, if I could respond in two ways. Number one, I want to make very clear that myself and everyone else that I have talked with supports the ideas of Safe Routes to School, supports the idea of safety and all of that. It is a question of doing it in way that is sensitive to the way that community feels. I do not want to be characterized as being someone who does not care about safety. But in terms of the second issue that you raised, as I pointed out in my testimony, the North Shore Development Plan Ordinance specifically states that there shall be a North Shore Improvement Advisory Committee. That is one way to get the Community's will. That North Shore Improvements Advisory Community has never been formed by the Administration.

Ms. Yukimura: Right. But I am not sure that the three (3) people appointed by the Mayor will represent the community, too. It depends on how they make their outreach to their community. Do you vote? Is that the community will? What we are trying to do here, I think is what Mr. Gregg was talking about, going from policy to practice. How do we actually develop safe land transportation on this island? I do not know all the answers either, but when you speak of position, I am just trying to understand it.

Mr. Imparato: I agree that it is always difficult to determine what the will is of the people and all. What I was trying to point out in my testimony is that something is very much broken right now. That you have a situation where the Administration, the Planning Department refuses to engage and refuses to consider what the community is saying so the only way I can contemplate to fix that is to try to level the playing field a bit by saying that in the smaller communities, they will have a strong say so and that if Planning wants to see that subdivision put in sidewalks there, that they will be forced by Mr. Rapozo's amendment, to basically make outreach to the communities and try to bring the community along. At least there will be a process created through that mechanism, which does not exist today, because today...

Ms. Yukimura: I do not see any process being created in the amendment.

Mr. Imparato: The amendment per say does not create the entire process. But it changes the balance, so that the advocates for putting in

sidewalks swales, whatever it may be, those advocates when they go to the smaller communities will not just say we get to impose this on you. They will have to at least see that they will have so to solicit input from the communities. There will have to be maybe a community plan together, Kilauea Town Plan.

Ms. Yukimura: We have put community plans together.

Mr. Imparato: That is right.

Ms. Yukimura: There is a structure for that.

Mr. Imparato: That is right and this would basically put things down that path because if the Kilauea Town Plan says there shall be sidewalks, even though Kilauea is a small community, then there shall be sidewalks.

Chair Nakamura: There are other questions. Can I go on to Councilmember Bynum?

Mr. Bynum: I just have one question. The building that you were talking about in Hanalei, that was set on the street, was that decision made by the Planning staff or the Planning Commission?

Mr. Imparato: It was a decision made by the Planning Commission. The Planning Department staff and the Planning Director argued vociferous, strenuously, that the alternative which was something that the Community Association and the developer jointly supported keeping it back from the road so that it would preserve the open space characterized as Hanalei. The developer and the community were on one (1) side, the Planning Commission decided to follow what Planning Department staff aggressively and vociferous recommended.

Mr. Bynum: The Planning Department made a recommendation, but the decision was made by the Commission?

Mr. Imparato: Correct.

Mr. Bynum: Do you recall what the vote was?

Mr. Imparato: It was unanimous.

Mr. Bynum: Thank you.

Chair Nakamura: Carl, I do not know if you got a copy of the response that JoAnn Yukimura received from her question to Mike Dahilig of the Planning Department dated April 2nd. Can staff give a copy to Carl? The reason why I wanted you to see this response, Carl, at the very bottom of page 1, where it says, "additionally." It says subdivision approvals are not discretionary actions, but are ministerial in nature. This means that the Planning Commission does not have the discretion to deny a subdivision application if it is proven that the applicant has complied with existing standards in the Subdivision Code. It would be difficult to confirm that an applicant has or has not fulfilled the requirement to provide due consideration through the preservation of the affected community's rural character and to the input and desires of the affected community. Therefore, the Planning Department does not support the proposed language as it conflicts with the ministerial nature of Subdivision Ordinance and approval process. This is the first time I am seeing this as well, Carl. I am sorry to just spring this one on you. But I wanted to share with you just this recent information that this Committee has received. Thank you Councilmember Yukimura for asking the question and this is I think something that we need to consider in our deliberations. Do you have a response?

Mr. Imparato: That is fair enough. I would comment two things. One, I am not sure how little discretion the Planning Commission/Planning Department have in term of subdivision approvals because I just testified on a subdivision approval that was a consolidation of two (2) lots in Princeville. Certainly there were a number of conditions applied in that consolidation regarding keeping construction, in the future, out of way of the watersheds and all, so there are condition. But secondly, if this is indeed a concern, I would still argue that the proper thing to do is to basically set that threshold for the three thousand (3,000) population community or less. Then for Planning to come back and develop a new set of standards for subdivisions for those smaller communities and then if there is lack of discretion, apply those standards. In other words, let us break this up into large community and small community and not have a one size fits all approach.

Chair Nakamura: I have a follow-up question, since you brought that up. In your February testimony, February 13th testimony, you also attached a list of the consensus census data showing population by Census designated places which are pretty much all of the communities on Kaua'i. I thought this was very helpful. Would you be receptive to reducing the three thousand (3,000) population threshold to five hundred (500)? The concern is that with three thousand (3,000) you include areas like Puhi, excuse me, Po'ipū, you include areas like Wailua, that really it pretty much only makes it applicable to six (6) communities on the island. I think if the everybody is agreeing around the table that the intent of this Bill is good and yet it only applies to five (5) communities, I am not sure how much of a difference it is making. But if we lower the threshold to

something like five hundred (500), then I think these are very small rural neighborhoods just by sheer size.

Mr. Imparato: I think that certainly would be a major improvement over what is currently on the table absent the amendment. I would argue that maybe the number should be closer to one thousand (1,000) because if we set five hundred (500), for example, Hanalei is at five hundred (500). So, is someone going to come back tomorrow and say Hanalei is five hundred and one (501) and therefore it does not cover. By moving it to one thousand (1,000), it really covers that same, maybe less than one thousand (1,000).

Chair Nakamura: I think it would be less than one thousand (1,000), seven hundred fifty (750).

Mr. Imparato: Something like that.

Chair Nakamura: Also, I think it is very important to state the basis on which this data is from. I think if we are going to make an exception for very rural communities and I am just throwing this out as we are brainstorming, that it would need to be based on the most current census data, United States (U.S.) Census data, so that the source we are all looking at and agreeing on the source, if we go this route.

Mr. Imparato: Correct. I did get this from the 2010 census.

Chair Nakamura: Questions? Thank you, Carl. We will take a caption break, so we will come back in ten (10) minutes.

There being no objections, the Committee recessed at 10:57 a.m.

There being no objections, the meeting was called back to order at 11:11 a.m., and proceeded as follows:

Chair Nakamura: Is there anyone else who is going to testify?

AARON ROSENSTIEL: Good morning Council. Good morning fellow members of the community. I am here testifying on behalf of Bill No. 2465. I am a member of community. I live in Kapa'a. I am also a Traffic Engineer. I studied traffic engineering and transport planning. I have worked with these sort of issue on the other side arguably for the developers. But I do have some experience working with this in Australia, not here. But I do have an understanding of what costs are involved per say with building sidewalks, additional housing costs and some of the things that have been brought up. But I would just like to start off by saying that I support this Bill, this amendment, because it is about equitable access

and it is about putting in place some of the goals of the General Plan and without amendments such as these and without some action, the General Plan is not as useful as it could be. So, what we would like to see is equitable access. I know that Marie has hinted on some of the benefits before. But what we want to see is equitable access for seniors, our younger children, people who do not necessarily have money to buy a car, who want to walk and catch the bus, who do not have a sidewalk to walk on. I live in Kapa'a and we do not have sidewalks. I see people walking on the road everyday and when you have cars coming in other direction those people are forced off the road into the verge. It is not only a dangerous situation, but it is uncomfortable for them and then that discourages them from walking. It increases the number of cars on our roads, the whole congestion argument comes into place and with increased congestion, of course, you have environmental impact as well. This is not only a Bill to help with equitable access to help with reducing congestion, providing a better environment, and I think it is about safety. How can we possibly argue that visual amenity and rural character is more important than safety of our children and our families. I eventually want to start a family here and I want my family to be able to use sidewalks to walk to school, to go out if they have to go to the shop to get a bottle of milk or whatever it is, I want them to have the option of doing that rather than driving in their car. I think we need to think about this in term of safety. It is also about making developers pay for what they rightly should pay for. If they are putting in houses, they should provide the infrastructure to build those house. Now we required to build roads, which is good. People have to get to and from their houses by car. But they have to be able to access their house on foot and they should have the opportunity to have some passive recreational facilities around those facilities by walking on sidewalks, getting out and walking their dog and what have you. It is about making those developers pay for what they should be paying for and I know you have raised the question about costs. Is housing costs going to go up? When you are comparing housing costs, you are looking at mainland cost where there is lots of land, there is a lot of resources. The reason that houses are so expensive here is not because we are making them put in infrastructures. It is because there is limited amount land and the cost of materials is a lot higher than on the mainland. So, that is why our houses are more expensive. Adding in a sidewalk, something similar to this, might only add half a percentage to the total cost of the house. On the three hundred thousand dollars (\$300,000) to five hundred thousand dollars (\$500,000), if you are talking an extra two thousand dollars (\$2,000), five thousand dollars (\$5,000) just for that section of sidewalks, it is not a huge cost. Then you look at maintenance cost, maintenance costs for sewer systems, curbs, and gutters, as it is required now, will be much higher than a drainage swale that you are simply mowing on a regular basis. If you do not get out to do the edging on the sidewalk every year, if it is every five (5) years, so be it. At least they have a sidewalk there and they can use a portion of that sidewalk for their mobility. I would just like you to consider all of these things when you make your decision. Now as far as the amendment is concerned, I do not support the amendment. I

think it is too lax. It opens up loopholes for developers and having worked for developers, I know they will take every loop hole that they can. I think there should be no limits. If you limit this to subdivisions with three thousand (3,000) people are less or many communities with three thousand (3,000) or less, who is to say that in five (5) years time they will not have ten thousand (10,000) people there? They may grow in the future and those people in the future would have liked a sidewalk installed now. You cannot judge what the future community wants based on the opinions of a few people and whether or not they want to maintain rural character. That is an argument that is really unjustified because rural character is not just stated or is not just created by the implementation of a sidewalk. Rural character is housing density, it is about whether or not you have four (4) dwellings per acre, or whether or not you have two (2), or whether you have rural lots. There are many other things that come into play, road widths, planting of trees along a sidewalk to make it more rural in feel. There are a lot of things that we can do to combat the urbanization of our environment and whether or not it has that urban feel. But we should not be sacrificing safety to do so.

Chair Nakamura: Are there any questions? Councilmember Yukimura followed by Councilmember Rapozo.

Ms. Yukimura: Aaron, thank you for your testimony. Do you think it has to be a safety versus rural character issue? Could we not have both?

Mr. Rosenstiel: That is correct. That is what I was trying to allude to before by saying that it is not necessarily the sidewalk that creates the rural character, it is the amount of house you have per lot, it is the density of housing, if you would. It is planting of street trees, whether or not you have barren landscape with just concrete, and hard facades on buildings and services, not porches. There are a lot of things that come into play when you are talking about rural character. So, you are right. It does not have to be an argument for safety versus rural character. We can maintain rural character and have safety by providing drainage swales instead of curb and gutters. I think that is a very good plus of this amendment.

Ms. Yukimura: I would like to think that the Bill as proposed is trying to help us do that, keep the character of Kaua'i, but also make land transportation safe for people whether it is by car, or walking, or biking.

Mr. Rosenstiel: Yes. But I think some people feel very strongly from the sidewalks and as we heard from Carl, that people feel strongly about urbanization and they do not want to see that happen. People may have misinterpreted the amendment. They may be feeling that it is causing more curb and gutters. I am not exactly sure, but I do not think it is threatening our rural environment and I do not feel that it is going to urbanize Kaua'i.

Ms. Yukimura: Thank you.

Chair Nakamura: Councilmember Rapozo. I am sorry, Kagawa.

Mr. Kagawa: How long have you lived here?

Mr. Rosenstiel: I have only lived here a year.

Mr. Kagawa: A year? Okay. You live in Kapa'a?

Mr. Rosenstiel: Yes.

Mr. Kagawa: Is that near the high school, Kapahi Road?

Mr. Rosenstiel: It is more so down, close to the public housing.

Mr. Kagawa: *Mauka* of Kapa'a School there is a nice, I would not say it is nice, but there is a pedestrian walkway along the main road, Kawaihau Road.

Mr. Rosenstiel: I think that is what we saw in the presentation, I believe, yes.

Mr. Kagawa: But it goes all the way up and I think there is a lot of areas where we were ahead of our time in having those. But for these new subdivisions that come up, it is not only the sidewalks around their subdivisions, they are going have to do for all the abutting roads. Do you think that is fair? That these people that previously built their subdivisions they did not have to put in sidewalk and you think if they add a subdivision that it is fair that they pay for the sidewalks for other properties?

Mr. Rosenstiel: If it is along their frontage, yes. I would not say it would be fair for them to build a sidewalk on the other side of the street. But if it is on their side of the street, yes, certainly it is fair because they are tying into the County street network and therefore they should be providing for alternate modes of transport, walking, biking, and so forth.

Mr. Kagawa: Who do you think is going to pay for it because I am not trying to back up the subdivision owner by no means. I am backing up the people. Who do you think is going to pay for those added cost? It will be the homeowner, right?

Mr. Rosenstiel: Well, the market determines the price of a house. The people are willing to pay what they are willing to pay for the price of a house. The price that it costs to build the house is what we are talking about. That is going to go up. The price that people are willing to pay for the house will not go up. The margin, the profit that the developer is making, that is where the chunk will come out, theoretically.

Mr. Kagawa: Theoretically, but what I...

Mr. Rosenstiel: In actuality, house prices will probably increase, it is likely.

Mr. Kagawa: What I am saying, that land price. I think your two percent (2%) is rather safe. I think it would be higher to install paved sidewalk, possibly up the eight (8) feet, not only fronting the lot, but also abutting roads. My concern is that the people that I hang out with, I talk to, they are struggling for money and their kids they want to live here and they are worried that even with their good jobs, that the half a million dollars (\$500,000) house is not going to be affordable to them. I am just worried what we want to add in without thinking things over slowly. So, my caution is not in disregard for people's safety. I lived here all my life. I had a strict father that made me walk to school and walk home, and then walk to practice, and having that paved sidewalk, I am all for it. I am just, why I am coming off as be hesitant is I am worried about the overall costs whether our residents can afford it. I thank you for supporting this and I may well, in fact, support it. But I just wanted to let you know where I am coming from is I am worried about a bigger effect than I think we are discussing right in front of us. I think in front of us we say it will not really affect your residents in costs and it will be a great benefit in safety. But it has happened before, where in the County, what we say does not really hold true in the end.

Mr. Rosenstiel: Yes, and I certainly appreciate it because I want to buy a house. I am trying to buy a house myself and it is very expensive. I want to have a place for my family to live. But I am restricted by the cost. But I do not feel like adding the additional incremental cost of a sidewalk is really going to affect whether or not people can afford a house? Houses are so expensive. I was looking at a house for three hundred fifty thousand dollars (\$350,000), that it is the cheapest house I could find. If there is another two thousand dollars (\$2,000) to three thousand dollars (\$3,000) on top of that, that is not going to affect whether or not I can afford that house. That is the only point that I was trying to make.

Mr. Kagawa: Thank you, Aaron. I appreciate it.

Chair Nakamura: We have a question from Councilmember Rapozo and then we have three (3) additional speakers.

Mr. Rapozo: Thank you. Like Mr. Kagawa, I mean, I think you inferred that we are putting costs in front of safety, that is not true. I think what the amendment does and what Mr. Imparato stressed, not the fact that we do not like sidewalks, but the fact that we believe that the community should have a say. Every community is different. Every subdivision is going to be different. Not every subdivision has the same needs. Do you not believe that the community should have some input as to what that community wants?

Mr. Rosenstiel: I certainly agree, but I do not think the amendment, as you proposed it, would allow for the community engagement?

Mr. Rapozo: That is exactly what it proposes. It proposes that for communities of less than three thousand (3,000) people.

Mr. Rosenstiel: Well, who is to say that that communities with more than three thousand (3,000) people should not have engagement as well? I think it should be standard across the board. If a subdivision is going to get approved in the community, it would have to go through a charrette.

Mr. Rapozo: You would not support the Bill then because this Bill does not allow for that?

Mr. Rosenstiel: I do support the Bill because the Bill is for sidewalks.

Mr. Rapozo: Right.

Mr. Rosenstiel: And for mobility improvements. If you want to amend...

Mr. Rapozo: You said the community input. The community input, you are saying should not be limited to community of less than three thousand (3,000)?

Mr. Rosenstiel: No, I do not. But I still support sidewalks and smaller block lengths.

Mr. Rapozo: So do I. But what I am saying is there are some communities when the developer comes up for his subdivision approval, that may not require it or may not have the needs that other communities may have. We talk about the cost of prices, this would impact affordable housing projects as well, not just the rich subdivisions. I think we have to look at all of that, that any added costs today impacts buyers. It does. You will that out if you have not already, you will find that real quick if you are looking for a house.

Mr. Rosenstiel:

Oh, yes, I know.

Mr. Rapozo:

That separates Kaua'i from anywhere else. Other than what you talked about, on the mainland you can still purchase homes for sixty thousand dollars (\$60,000), seventy thousand dollars (\$70,000) and people on minimum wage on the mainland can actually afford to buy a house. You cannot do it here. It is different and that is what I am trying to get across. Every community is different. You cannot force feed someone else's values into this community because it is different. All of this Bill does or my amendment does is allow for that community input, that is all. It does not change anything else.

Mr. Rosenstiel:

Perhaps we should amend it to say for all subdivisions.

Mr. Rapozo:

I would love that. I do not think that I would get four (4) votes for three thousand (3,000) much less anything else. Thank you though, I appreciate it.

Mr. Rosenstiel:

And I do, I believe that the communities should have input and that should be part, of I would say, of the general planning process to be done at the beginning as part of the General Plan when you look at local areas plans, when you are developing a plan for Kīlauea, Hanalei, for instance. That is when the community should have their input, that is when they should have their say. Then going forward every developer...

Chair Nakamura:

Thank you very much. We need to move on to the next speakers because we are running out of time here. But thank you very much for your testimony. We are going to go on to the next speaker, please.

NEIL CLENDENINN:

Good morning Council and community. I am here as Bev had sort of had the two (2) hats, I do not have my hats on. But both my health hat as a Physician. One of the issues that I want to raise with Bill is about the health effects. The is as a Planner, as I also have a planning degree so I wanted to talk about that. As you know, this is for new subdivisions. It is really not for the current towns or current subdivisions so we have to keep that in mind that this is for new subdivisions and what do we want this island to look like going forward? We have a lot of subdivisions that are currently here that really do not allow for people to walk around and some of them are fairly new. Meaning since 1970, 1980 and they still do not allow for people to walk. So, it is really important that we look at that. Even if it is just an R-4 one (1) acre subdivision, it is still important to have mobility for people. So, it is also important there. One of the things this amendment does, this Bill does, it does not require them to have sidewalks and gutters, which is a big expense. It is allowing them to do other things, which actually is more rural, allowing those swales. They do not have to be large swales,

small things that allows a lot more rural character than we currently allow. So, this is actually moving us forward towards the rural thing. Some of the discussion was about the community having input. We do have processes for the community to have input. One of the things, for this instance in front of the Planning Commission, for the General Plan, for the community plans, the community does have places to have input. I applaud this Planning Department because I think they actually have allowed community more input than previously. One of the things, though, the Planning Department has to do is look at what the community wants versus the common good. For example, you may not want an area for pedestrians in a community, you may not want sidewalks, just have the road there, but what about the handicapped person? How do we get around? The community could restrict that group of people without allowing them having some type of access to walk around or be mobile around their community? We have to remember that the community has input, but we also have to remember there is a common good that we look at. We have to remember that. One of the things about saying well let us leave thing as they are, we are asking for the status quo, our Comprehensive Zoning Ordinance (CZO) basically are written for the mainland. We actually have them written now as if we are doing mainland subdivisions. We need to pull back from that and start thinking about Kaua'i, not about the mainland, not building things like the mainland, not having the urban sprawl, not allowing these long blocks that do not allow people to walk at all. Just even here in Līhu'e. There a lot of new subdivisions here that do not really allow you to walk and they are very close to stores. I guess the other thing I really wanted to bring up is the health issue. It is very important to consider health. It is a cost that we do not count. We can count all of these other costs, the cost to put the sidewalk in, the cost to put the gutters in, the cost to put this, the cost to put that, how much it cost to repair. Nobody considers that this State, which had a had the longest longevity, some of the healthiest people in the County is now losing that. We have obesity, diabetes, hypertension, all running out of control. We are paying for that, but we are not considering that as a cost. By not allowing people to do passive exercising, walking around the neighborhood, you are increasing these diseases and it is really important that we starts reversing that because it is actually the poorer people who are more affected than the richer people. So, when are you are saying I cannot put this in an affordable housing subdivision, you are now compounding the fact that the illnesses that they get more often because you are not allowing them the privilege of walking. Rich people that can go to a spa, they can go to a health club, they can do all of that. But we have to allow for passive exercises for people who cannot afford it. So, that is why this is also important.

Right now, there are rules for Americans with Disabilities Act (ADA) compliance, a lot of our streets do not really comply with ADA. Heaven forbid if the County is required to make their streets ADA compliant because there are so many areas that handicap people cannot get around. We have to start thinking about that. We have to start building things that allow all of our citizens to get around.

So, that is why it is very important. We talk about the cost of a house now. You think you are going to buy a house now, yes it is expensive. But you probably want to live there for the rest of your life. Right now, you can get into your car and drive. But when you become eighty-five (85), ninety (90), ninety-six (96), whatever age it is, and you can no longer drive, you are now going to be restricted to your house because we did not put in any way for you to be mobile to get around your neighborhood. So, that two percent (2%) that was talked about, on adding onto the house, think of it in the long term. It is nothing, to allow that person to be able to get out and walk when they get older or the grandmother or the grandfather who is in the house, for them to be able to get out now is extremely important. So, I think that is something we have to consider when you are considering costs. The other thing that we also have to think about is law suits. If someone gets hit by a car and we did not do something to prevent them, we could be sued as a County. So, we have to be careful. By not doing some of these things we can also add cost to it.

Chair Nakamura: Are there any questions for Neil? If not, thank you very much. Next speaker please?

GLENN MICKENS: Thank you, Nadine. I scribbled some notes here, bear with me please. I have no problem with sidewalks in new subdivisions except for Mel, Carl and Ross's concerns which I think are all excellent. But as the slide up there has shown, one of the asphalt paths, it had no curb. It had weeds growing over it and needs continual maintenance as with the walk along Kawaihau Road. We never take maintenance into consideration with any project we propose and as Jay so well pointed out, I guess it is going to come up later, to that effect he was right on target. We heard that we have to develop our transportation system to accommodate the needs of the public. If we live in the real world, we will continue to make our roadways for accommodating our vehicles as those are and will continue to be our major means of transaction. Anyone who denies this is not living in the real world. Bike lanes were built along our highway thirty-five (35) years ago and due to non-usage they have been narrowed for road widening. You will never get people out of their vehicles and if you doubt this statement, show me anyone in this chamber, JoAnn, Tim, anyone of you people that walk out of this place and get on a bike, a bus or walk. You have no car out there? Is that right, JoAnn?

Ms. Yukimura: I think I do this morning, but I have walked home.

Chair Nakamura: Can we please restrain from personal commentary here and just stick to the testimony, if you do not mind, Mr. Mickens?

Mr. Mickens: Okay. But to me, when we develop anything, we are developing them for the masses of the people. The masses of the people are going to use that vehicle to get around. When my mother got elderly and could not

drive she relied on my wife would drive her to wherever she was going. That transit bus that comes up and down the roads, that is fine. But for them to have to make arrangements to get somebody to pick you up, if there is a vehicle available, they will use that. Again, just like the two and a half (2 ½) mile of highway here, I think it is a great thing to alleviate traffic that is coming through that area. I think that Ray McCormick did a tremendous job in that project over there, the way they got the bike path. I think that is a problem where, I think, you are going to have somebody getting hurt on it because the path is where the off ramp is and they have another lane beside the thing. I am not sure what that is, whether it is to pull over traffic. I think that could have been better developed. Beauty and rural style of our island is great, but it has to be along with what the means of the people need and want.

The other issue that came up is health. I heard Mr. Clendeninn stay said and I heard Thomas Noyes say it. Health is a problem that is within the person. You can get all of the exercise you want. You do not need a multi-million bike path or anything else if you want to exercise. You can do it. I do it in my neighborhood for twenty-four (24) years, I have jogged and walked in that area. People I know do the same thing, bicyclists ride up and down, they will not use the bike path down there. They ride twenty-five miles per hour (25 mph) and they would kill someone on the path. You can get a stationary bike or go to the health club or whatever you want to do. But it is up to you, the individual whether you want to. Whether you want to with all the disease that Dr. Clendeninn spoke about, true, true. But it is up to the individual what you want to do. You are not going to force somebody to do it, to build a bicycle path, to build a sidewalk or something. I am one hundred percent (100%) for sidewalks, but when I played baseball in Salt Lake City, 1950, they had beautiful wide streets, sidewalks, drinking fountains, whoever developed that was Brigham Young or whoever said it, had some foresightedness to build that place square and everything. It was great. But this community did not do that and now everything that we do has to be retrofitted into our area. Now the cost is going to be prohibitive to what we do. We might put these sidewalks like Mel said, you are going to try to put them in certain subdivisions and Carl is talking about. But for the masses of the people, we are not going to get it. You are never going to build sidewalks up in the Homesteads or some of these rural areas. The cost, again, will be prohibitive when people are spending big bucks. It is like the gentleman said, getting a new home here. You add on, I do not care what whether it is two thousand dollars (\$2,000) or three thousand dollars (\$3,000), that could stop that person from getting a new home or something. So, these things have to be taken into consideration. Again, I will say one (1) more time about the vehicle usage. Any of you proponents of using bicycles or buses, lead by example then. Do away with your car. Show the people by example that you will go out there and use those things. Do away with that vehicle. Okay? Thank you very much, Nadine.

Chair Nakamura:

Final speaker?

KEN TAYLOR: Good morning Councilmembers. I am here in support of Bill No. 2465 with some amendments. I certainly appreciate Howard Gregg's comments earlier and Carl's because they come from two (2) different areas, one (1) a very rural area and one (1) from a very built out area in Florida that certainly has to be looked at very differently than here on the island. We have heard a lot about the importance of getting people walking and so on and one (1) of the areas that this also, in my mind, fits into is the economy of the future of our island. I would just like to touch on a few thing and raise some numbers. But just as people require food, economies and community planning require energy. Our growth economy and planning of the past was built on cheap energy. How we plan today will set our economy well being in the years to come. I would like to remind each of you in the United States (U.S.) we use about twenty percent (20%) of the global oil consumption. Global oil consumption in 2000 was rough life seventy-six million (76,000,000) barrels a day with bent crude averaging twenty-eight dollars and fifty cents (\$28.50) a barrel. The world's annual oil bill was seven hundred ninety-one billion dollars (\$791,000,000,000). Skip ahead to 2010, world consumption went up to eighty-seven million (87,000,000) barrels a day with average of seventy-nine dollars and fifty cents (\$79.50) a barrel. The combination of the higher prices and more demand has quadrupled the annual fuel bill to two and a half trillion dollars (\$2,500,000,000,000). Only a year later crude was averaging more than one hundred dollars (\$100) a barrel. That price increase alone added more than five hundred billion dollars (\$500,000,000,000) to what the world spends each year to keep the wheels turning. These are the kind of numbers that we are facing and they are going to be going up in the near future, and there is no way of getting around it. We need to start planning and this is why this type of Bill is very important for the future, because our lifestyles are going to be very different. We are going to have to start using other forms of transportation besides automobile and this is only one step. I do have some concerns that this Bill is only talking about new development, but out on Kawaihau Road where I live, I am a mile away from the bus stop. There is no paths, there is no way of getting off the street conveniently. There are some areas that are mowed frequently by property owners. But the cars drive extremely fast out there and it is dangerous to walk or even ride the bike. The first year I was on the island, I spent that year riding the bus and the bike and purposely did not have an automobile. The subdivision I live in, the County saw fit to have a wider easement along the road. But from the park, which is one (1) mile from my subdivision, there are many properties that come right out to the edge of the road or very narrow road easement. So, part of this Bill, my thinking is, because we have some large parcels out there that could be subdivided and be subject to this. But unless we also include all of the properties along there so that we eventually can have a wide enough easement to get some bike path or walking paths or whatever and so I think that something has to be done to include properties that have a small front easement where if they come in for remodel, a number trigger them deeding a larger area to the County for extending that down. Otherwise the County will never connect the wide easement that they took from the

developer that built my property all the way down to the park. It will never happen. I think that this has to expand a little bit and include something where it is ten thousand dollars (\$10,000), twenty thousand dollars (\$20,000) remodel that kicks in a give to the County for an additional easement. Those are my comments. Again, the basic Bill I agree with, with some modification. Thank you.

Chair Nakamura: Thank you very much for your suggestions, Mr. Taylor. Questions for Ken? Is there anyone else who would like to testify that did not sign up?

There being no further testimony on this matter, the meeting was called back to order, and proceeded as follows:

Chair Nakamura: We are going to return back to our Committee Meeting regular session. Any comments? Yes?

Ms. Yukimura: I would like to ask if Planning Department could come back? I would like to ask them a couple of questions.

Chair Nakamura: Sure.

Ms. Yukimura: Thank you. I would like to get your thoughts and input about whether you think this process of dividing up this application of this law by community size is workable?

There being no objections, the rules were suspended.

Ms. Williams: I think we already expressed that we do not feel that thresholds are something that we should do in this Bill. We feel that this is a standard that should be applied to new development throughout Kaua'i and we already gave our reasons explaining why we think that the amendment proposed in this Bill is something that will actually be helping us move forward to the vision that was found in our Multi-Modal Transportation Plan and our General Plan. Again, I would just like to say that these plans were created through a public process, a very in depth public process. One where you bring all the stakeholders to the table or as many as possible who are willing to come and reach out to the community as well. Then you draft a consensus driven plan based on the results of that process. That is what is driving the proposed amendments in this Bill.

Ms. Yukimura: So, actually, what you are doing here is you are almost developing a minimum standard for any place of a certain density where people live or work?

Ms. Williams: Yes, or just think of it as our towns. New projects that will make our towns more large, while we want to make sure it is done correctly and this is one means by which we can ensure that will happen.

Ms. Yukimura: And basically you are making sure that they will be walkable, safely walkable.

Ms. Williams: Exactly.

Ms. Yukimura: Okay, thank you.

Chair Nakamura: Councilmember Hooser.

Mr. Hooser: Yes. I am not a member of the Committee, actually so I appreciate the learning and being able to participate. But it has been brought up, two (2) things were brought up in the testimony that if you could expound on. One was the so called remnant subdivision. You have an area, old area with half ($\frac{1}{2}$) acre lot zoned R-4 and they will subdivide into two (2) lots. The question is do they have to put in sidewalks in front of their place and there is no other sidewalks anywhere else? The provision, it has been mentioned several times of abutting. So, what does that mean? How far abutting and who pays for that abutting requirement? If you could just address those.

Ms. Williams: I think with the case of an infill subdivision such as the one that Carl was referring to, of a possible two (2) lot subdivision on an existing street. We have to again think of the Subdivision Code and remember there are probably hundreds of standards in that Code. I do not think in any case, all of those standards have been applied in any project that you consider the context of the land and some adjustments are made and new standards are imposed as well. So, in the case of very small infill project, I imagine that they would consider the context of the land and if there is no sidewalk on the road and it would make zero sense to place a sidewalk just on sixty (60) feet of road, that is something that would be considered by the Planning Department, Public Works, and the Planning Commission as well and using what the process that is already in Chapter 9, the Modification of Standards, that it is very likely that the sidewalk would not be enforced if the developer did not want to construct a sidewalk.

Mr. Hooser: So, there are provisions in the law to allow some discretion by the Planning Department on those types of situations?

Ms. Williams: There is, yes. Modify of Requirements in Chapter 9.

Mr. Hooser: If you could speak to the abutting. Is that hundreds of yards or is that just, who pay for that and how does that work?

Ms. Williams: Sorry, I do not think anyone one of us have completed a subdivision application so I would like to defer to Dale Cua. Thank you, Dale.

Mr. Cua: Could you just clarify your question regarding abutting.

Mr. Hooser: During prior testimony, several people have mentioned the requirement to require abutting. So, you have a subdivision and then they are required to put in the walkways or something.

Mr. Cua: Right.

Mr. Hooser: And they also require abutting subdivisions or there is a requirement to put in sidewalks abutting?

Mr. Cua: No. These standards would be just applicable to the proposed development.

Mr. Hooser: So, abutting land owners would not have a cost? The County would not have any cost or the developer of this subdivision would not have to incur the cost of put in sidewalk on the abutting?

Mr. Cua: No, not at all. It is just applicable to new developments specific to that project area.

Mr. Hooser: Great. Thank you very much. Thank you, Chair.

Chair Nakamura: I have a question that is a Public Works related question. Can someone from Public Works come up? Thank you, Lyle, for being here. I have a question regarding page 2 of the Bill, Section 3(b) that talks about the role of Department of Public Works. It says that the Department of Public Works (DPW) determines that sidewalk construction is infeasible due to pending street or utility construction or unnecessary if an alternate method of pedestrian circulation exists, the Planning Commission shall require the subdivider to pay an in lieu fee. So, right now this Bill gives you two (2) criteria for making that determination. One is if there is some other pending project and if there is an alternate route of pedestrian circulation in that area. Is that adequate criteria for you because I because just thinking about other considerations, like topographical, or usage that might help to influence your determination?

LYLE TABATA, Deputy County Engineer: If I remember right, topographical is a determiner for infeasibility and these items will be vetted in the subdivision plan review process. So when the developer comes with his subdivision plan for review, these items are taken into consideration.

Chair Nakamura: So, is that in the larger Subdivision Code that is specified because right now this is saying that you can only make this determination on whether this in lieu fee is allowed based on those two (2) criteria? It only relates to the in-lieu fee.

Mr. Tabata: Right. I have to get back to you on that.

Chair Nakamura: Okay. I think I would like to give your Department broader discretion if you feel it is needed. So, if you do not mind taking a look at that.

Mr. Tabata: Yes, okay. Well, in the whole process, we normally work very closely with the designer for the developer and so the process is pretty detailed.

Chair Nakamura: But since now we are saying that you must do curbs, gutters, and sidewalks on both sides of proposed and existing streets, that is going to be the law if this gets passed.

Mr. Tabata: Yes.

Chair Nakamura: But there is an exception, this is the exception to that.

Mr. Tabata: That is where the developer with his designer, if the case is that they feel it is infeasible, they need to come to Public Works Engineering, in consort with the planning Department and we will be working together to find best alternatives.

Chair Nakamura: And what this law is saying as written is you only have two (2) criteria to use. So, I think it is limiting and I just wanted you to take a closer look at that. I think that process is a good one (1) and it fosters that dialogue, but I think you need some broader parameters here. Then I have a question for Planning Department. One (1) of the concerns raised is where you factor in the development plans, town core plans in your decision making regarding these waivers and the way the Bill is written now, I am a little concerned that pretty much it is the direction is coming from the Department of Public Works, but I think there is an additional process, a bunch of information relating DPs, town core plan, and development plans that also need to be taken into consideration. I think

it is a gap here that I would like to explore further. Do you have a comment on that? Again, this is just relating to whether there is going to be curbs, gutters, sidewalks on both sides of the street.

PETER NAKAMURA, Planner: Vice Chair, I think, as for your question I think what you are asking is there is enough of a comprehensive review to take into account some of the concerns that are being raised by Mr. Imparato and that may come up from the community. Let me understand that I think what you are trying to do is see if we can come up with language that in addition to the review by the Department of Public Works, that the Planning Department also review it based on some of the things that we would look at. The final determination would be a product of both Departments and not just of the Department of Public Works.

Chair Nakamura: Yes, because Planning Department is the one (1) familiar with the DPs and the town core plans in much more detail. I think that would be helpful to this decision.

Mr. Nakamura: I think what we can do is that we can talk and see if there is some change or possible amendments to the language that we can have in that area.

Chair Nakamura: Thank You. Councilmember Kagawa.

Mr. Kagawa: I do not know if this is a stupid question, but I will just ask it. In a subdivision and I will pick one (1) that I am familiar with, for example Molokoa. Are you familiar with the new Molokoa? Where it ends towards the airport side of that, there is some additional land there. Say a developer wanted to build ten (10) homes there. Under this law, would the developer have to implement sidewalks?

Mr. Cua: This Ordinance is only applicable to subdivision development. If a developer just looking to build homes in general, no.

Mr. Kagawa: That is not a subdivision?

Mr. Cua: No.

Mr. Kagawa: The basis to my question is I am worried the abutting and how much does that include? If have you a development next to another development that a subdivision next to another subdivision that does not have any of those sidewalks and let us say the school is on that side or that, would they be required to put sidewalks in all the previous development as well?

Mr. Cua: I guess the example I can give you is the vacant commercial zoned property that is immediately across from Chiefess Kamakahelei Middle School. It is zoned for commercial development. As we know, the property is being proposed to be developed as a shopping center. By the existing laws that we have now, the developer is not required to provide sidewalks, curbs, or gutters, because technically the development of this parcel does not involve a subdivision. It just involves construction work.

Mr. Kagawa: Thank you. I am still not really clear, but I am supporting this, leaning towards supporting it. I have my reservations but I thank you for your work. I can count and I can see it has support through Committee. So, thank you.

Chair Nakamura: If there are no further questions, thank you very much. We have an amendment before us introduced by Councilmember Rapozo and we have a first and second. Any further discussion?

Mr. Rapozo: Can I just make some comments? I guess if you want to start the clock at five (5) minutes. I do not want to go longer than that.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo: First of all, I want to say some of the testimony today made it appear that if we do not pass this and if we do not build sidewalks, people are not be able to walk. We are going to be trapped in our homes when we are old. Totally erroneous comment. The fact of the matter, today thousands of people walk on this island everyday is safety. So, the fear mongering has to stop. It is like if you do not do this, people are not going to be able to walk. That is not true. They walk every day. They walk in neighborhood, they walk in Molokoa, they walk in neighborhood throughout this island, old, young, and so I think let us be realistic when we go through the discussions. The Counties, we display about unfunded mandates all the time by State. We hear at budget all the time and yet, that is what were going to do. We are go provide this mandate that will cost money to people, and I believe this thing is too broad and it encompasses way too much without individual considerations for communities. The discussion about the sidewalk or walkway, I think Mr. Taylor talked about the sidewalk or whatever that is up on Kawaihau Road. Whose responsibility is it to provide safe access on the County road? It is the County. We have not done much in that way, really, in the neighborhoods. I do not see any money in this budget for neighborhood safety measures. But this Bill will put that onus on new subdivision owners and again, I think like Mr. Kagawa talks about, it will impact the costs of properties and homes and my concern is affordable housing. It always is. But the bigger thing that my Amendment tries to do is give back some input to the

community. Councilmember Nakamura talked about General Plans and town plans and community plans. That is what the language in the first part of my amendment does, that Mr. Imparato provided, was to give due consideration to preservation of affected community's rural characters and to the input and desires of the affected community's residents. That is done through their community plans or through their community testimony. That is what this amendment does. It puts that input back into the community. I do not think that it is right that the County says that this is going to be the standard for every single community because we know that every community is different. I talked about that earlier. I know that I do not speak for everyone, but all seven (7) of us on the table, we have different circles of influence and friends and that is what this process is all about. I speak for the people are in my circle that I have spoken to about this Bill. Again, they do not need to telephone or email. I definitely get out in the community and talk to people and I think they truly want that opportunity to have input. They do not want to be ramroded by any government agency, especially the County. Mr. Charlier and, again I will go back to this because I stated it earlier, when he was here he I thought, he gave us a commitment to make that adjustment and maybe he did and our Planning Department did not. But I thought there was consensus that we were going to allow for that community input and it was not done.

If we go down Po'ipū Bypass Road, the new road by the Kukui'ula Shopping Center, you can tell where the private portion of that road ends and the County's. I only bring that up because maintenance is an issue. I am not saying we put cost before safety, what I am saying is we have to be real. We have to be realistic in that when you look at the pictures that were provided, the County has a hard time maintaining our roads now and it is going to be the County's responsibility if it is on a County road to maintain. I think Mr. Furfaro alluded to that earlier. I think it is something that we have got to discuss. My amendment simply allows the community to speak for their community as it relates to the rural character. I am not interested in Kaua'i look like San Diego or Oregon or Colorado. I am not. I will be honest and some people will take that in the wrong way, but please take it for what it is worth. I do not want to see Kaua'i looking like. I love the rural character of the island, I love Weke Road, I love Aka Road, all those areas that are different and they are special because of that. People come here for that. We as a community have to make those areas safe and we do. A few years ago Weke Road, there was a traffic speeding problem. there were members of this Council that opposed speed tables. Any kind of speech humps and the community said we want it. They got the community support and today the speed tables are out there and it definitely solved the problem of speeding. But the community made that call. It was not the County saying we are going to force feed this down your throat because of safety. No, it was something the community wanted and the community pursued. It took them almost three (3) years, which was insane, but it did. That is my five (5) minutes. Madame Chair, I would just ask that we act on the amendment today and

if the Bill wants to be deferred I can count as well. I know this will go straight down, but nonetheless, I just want my position to be made known. Thank you.

Chair Nakamura: Thank you, Mr. Rapozo, any further comments? Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. I know you have worked very hard on this Bill and I thank you. I want to defend Councilmember Yukimura, she probably out of all of us, she is the most active out of all of us, and biking, and swimming. She runs the marathon and I know she deeply cares about our residents in being more energy efficient, more physically fit. It is her slogan that I kind of ran on, and it was "Keep Kaua'i, Kaua'i." I loved it. That is what compelled me to try this new profession I am struggling right now with whether or not mandating all of these complete streets to have eight (8) foot walkways, bikeways is "Keeping Kaua'i, Kaua'i?" Obviously caring about our people is Kaua'i's way. We have a unique island. We have people that really care about each other. So, that is what I am struggling with. I am also struggling with the cost of housing here. I know one thing, it will not be the developers that beat the cost. They will pass it on as always and I am not concerned about the ability to pay for affordable housing by people who want to move here from the mainland. It is our local residents and their children that I am worried about and that is what has led me to be kind of hesitant about fully supporting this. I attended 'Ele'ele Elementary School. My mom owned a restaurant, the small one in 'Ele'ele Shopping Center. I walked everyday on the sidewalk. It felt very safe down from the school to the shopping center. It even has a nice little bridge overpass. If I had basketball practice I could walk down the trail and Hanapēpē Town had those sidewalks. For me, having those sidewalks is something that was there and I benefited from. I am really struggling with this Bill and I will give it more thought next week, but for today I will be supporting it through and like Councilmember Rapozo said, it is our process to have both sides. Let us not get angry at each other for having different views. We all have different circles of friends and people we represent. but in the end the main thing is that the democratic process has worked and we have come to a majority. I thank you, Chair.

Chair Nakamura: Thank you very much. Comments?
Councilmember Bynum.

Mr. Bynum: Thank you. I want to thank the Planning Department and the Committee Chair for all the work that has gone into this Bill. I want to address some of the issues that came from up from my perspective. I am in support of this Bill. First of all I want to talk about cost. You put in a new subdivision, you are a developer, you have a lot of cost. The two (2) most recent subdivision I can think of here in Līhu'e, Pikake, and Molokoa. When you put that in, those were both sold as lots. They were not homes built on them. So, the developer has a lot of legal costs when had he do this. They have got to put in

streets and deal with drainage issues. There are a lot of costs involved. Adding a pedestrian element, I believe, is not going to be a deal killer. It is a fairly minor percentage of the overall costs when you develop it in a new subdivision. This Bill actually gives more flexibility than before. Look at Molokoa, they put in the required, I am sorry Pikake. They put in the required curbs and gutters, bus stops and there are not pedestrian element between the two (2). Conceivably a subdivision like this under this Bill could have bio-swailes and a pedestrian element and no curbs and gutters. It would actually perhaps, you would have to look at it, reduce the cost to the developer and stick with the rural character. So, I do not think cost is really a strong issue.

The amendment as proposed, as the Planning Commission has pointed out, subdivisions are ministerial and so the community would have less say. If they wanted the pedestrian elements and we passed that amendment, it would say no, you are in a community less than three thousand (3,000) and so we have met the requirements and it does not include sidewalks because of this amendment. If I misunderstand what the Planning Commission's testimony was on that, please inform me. But we all want the community to have a say and we have lots of mechanisms for the community to have a say. As I pointed out these decisions that Mr. Imperato was critical of, we are not made by the Planning Staff or the Planning Department. They were made by the Planning Commission who are lay people appointed by the Mayor. That is in our system of government, those are the people who represent us and the citizens can have an input by who they select for Mayor, who they select for Council. They can come here and provide testimony, if somebody is selected for those Commissions that they do not think meet or invested in the community having a say. I believe that the Planning Department does value community input and we have mechanisms for that. So, some of the testimony I heard is that they have zero concern. I know these people. I do not believe that is true of them. But I have heard testimony today, we need to design for the masses. Well, thirty percent (30%) of people do not drive. They cannot. They are *kupuna*, they are too young, they have disabilities, or increasingly in our community, they cannot afford the transportation costs. So, they are required to use their feet, the bus, and other things by their economic circumstances. We design for all of our citizens. We do not just design for the ones who can afford cars and drive. We design for *kupuna*, *keiki*, persons with disabilities because we are in an inclusive society. we are not all this is what the masses want and we only worry about them. We are an inclusive society.

Mr. Mickens said you will not get people out of their vehicles. If I had the opportunity, I would like to go down to be a one (1) car family. I find that difficult with not having the infrastructure and the things that are reliable in place. But a lot of people get out of their cars because they have no other choice. They become disabled or cannot afford the cost of a car and gas and insurance and so we need to design for all of those people. I do not believe this Bill is at all inconsistent with

maintaining rural character. I really appreciate the Planning Department pointing out that smaller block sizes are consistent with rural character and some of our plans that currently have are more mainland in style with one thousand eight hundred (1,800) foot blocks contemplated and that kind of thing. So, for all of the reason that I just said, I think this is a next logical step for County of Kaua'i. I think there has been a lot of thoughtful work going into all of these issues and I can support the Bill as written.

Chair Nakamura:

Councilmember Yukimura.

Ms. Yukimura:

Yes, thank you. I want to first acknowledge Councilmember Kagawa for articulating honestly the struggle that goes on in all of us when we are trying to make decisions on tough, complex issues. It was very interesting to me because Hanapēpē, 'Ele'ele is considered a rural area that sidewalks provided safe passage for him during his childhood. Whenever I hear somebody saying sidewalks will make our area non-rural, I think about Waimea town which is one of the most walkable towns and nobody will say that is an urban town. It is a rural town and come to think of it, I think the blocks are pretty short, too. So, it is really true that we can have the requirement of sidewalks will not necessarily affect the rural character or damage the rural character of our community. I think it is a lot of factors. I think our Planning Department is trying to acknowledge and bring that or create the structure of regulations and laws that will allow us to really preserve our rural character. What I see here is a law that would establish minimum requirements for residential, commercial, and industrial subdivisions so that people can walk safely. It is an implementation of complete streets that pedestrians as well as drivers of cars can have safe ways to move about. I do not believe it should be subject to preferences of a particular community. I think we have to say this is what is required and we did that with our parks requirement for subdivisions. We said every residential area needs parks. I have seen people say, "Oh, we have to cut parks out for our affordable housing subdivisions." But no, parks are a minimum requirement no matter what your level of wealth is, it should be in every subdivision whether it is for people with lower incomes or people with high incomes. I think of a walking element in the same way, that this should be a requirement for all subdivisions that we do of certain density. I think this Bill is good. It will help us. I do not believe that Councilmember Rapozo's amendment will really enable the will of the community to make the process better. I think the will of the community has been expressed in many of our planning processes. Also, I had a hard time whether it is three thousand (3,000) people or five hundred (500) people, where are you defining the boundaries of that community? We ran into this when we were looking at vacation rentals because one of our policy thoughts was no more than ten percent (10%) of a residential area shall be a vacation rental. Then we said what is the area? Is it 'Anini? Ten percent (10%) of 'Anini or is it ten percent (10%) of Kīlauea? That makes a huge difference how you define it and I really do not think it is workable. I will be voting against

the amendment, for the Bill. But I think we will defer it to allow the Planning Department to respond to Vice Chair's very astute and important request to clarify the terms that the Public Works Engineer will determine variances or modifications.

Chair Nakamura: Thank you very much. I too, will not support the amendment. But I do want to work to address the concerns raised today and how do we incorporate, in our process, how do we incorporate concerns about unique rural character, community town plans, and development plans into your process? If everybody is ready, let us at take a vote on the amendment.

The motion to amend Bill No. 2465 as circulated was then put, and failed by a 2:3 vote (Councilmembers Bynum, Nakamura, and Yukimura voting no).

Chair Nakamura: The motion to amend is defeated by the vote of 3:2 (3 Noes, 2 Ayes) and we are now at the main motion. I would like to ask for a deferral. I would like to give the department of Public Works, Planning Department some time to address the concerns that were raised and because we are in the middle of the budget process that does not give myself and staff a lot of leeway. I want to move it until after the budget process to actually address the concerns.

Ms. Yukimura: When is that?

Chair Nakamura: I was looking at May 15th, but that is our decision making, so that brings us to June 5th.

Upon motion duly made by Ms. Yukimura, seconded by Mr. Bynum, and unanimously carried, Bill No. 2465 was deferred to June 5, 2013.

Chair Nakamura: Thank you very much and this Planning Committee is in recess.

There being no objections, the Committee recessed at 12:20 p.m.

There being no objections, the meeting was called back to order at 5:02, and proceeded as follows:

PL 2013-01 Communication (03/22/2013) from Committee Chair Nakamura, requesting the presence of the Planning Department to provide an overview on the County of Kaua'i's Six-Year Capital Improvement Projects Fiscal Year 2013-2014 to Fiscal Year 2018-2019 Report. **[This item was Deferred.]**

Chair Nakamura: I want to ask that PL 2013-01 regarding the six-year Capital Improvement Project be deferred for two (2) weeks.

Mr. Furfaro: Move to receive was his request because we are going to discuss it tomorrow.

Chair Nakamura: The CIP?

Mr. Furfaro: Oh, I am sorry. The tax piece?

Chair Nakamura: Yes.

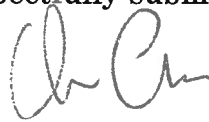
Mr. Furfaro: Got the wrong one. My apologies.

Chair Nakamura: Yes, in two (2) weeks.

Upon motion duly made by Ms. Yukimura, seconded by Mr. Kagawa, and carried by a 3:0:2 vote (Councilmembers Bynum and Rapozo excused), PL 2013-01 was deferred to June 5, 2013.

There being no further business, the meeting was adjourned at 5:03 p.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on April 17, 2013:



NADINE K. NAKAMURA
CHAIR, PLANNING COMMITTEE

(March 20, 2013)

FLOOR AMENDMENT

Bill No. 2465, Relating to Multi-Modal Transportation Principles for Subdivisions

Introduced by: MEL RAPOZO, Councilmember

1. Amend SECTION 2, subsection (1)(H), as follows:

“(H) accommodate multi-modal circulation networks and travel by bicyclists, public transportation vehicles and their passengers, and pedestrians of all ages and abilities, provided that due consideration is given to the preservation of the affected community’s rural character and to the input and desires of the affected community’s residents.”

2. Amend SECTION 3 as follows:

SECTION 3. Section 9-2.3(e), subsection (3), of the Kauaʻi County Code 1987, as amended, is hereby amended as follows:

“(3) [Curbs,] In communities whose population exceeds 3,000 residents, curbs, gutters and sidewalks shall be provided on both sides of all proposed or existing streets within or abutting the subdivision in Commercial, Industrial and Resort Districts [and]; in Residential Districts where the density permitted is four (4) [ten (10)] units or more per acre; and in any other Zoning Districts within the State Land Use-Urban District that are located within one-half mile from any elementary, intermediate or high school, or college.

(A) In Residential Districts, swales may be constructed in lieu of curbs and/or gutters in accordance with the drainage standards and design guidelines established by the Department of Public Works.

(B) In Residential Districts, where the Department of Public Works determines that sidewalk construction is infeasible due to pending street or utility construction, or unnecessary if an alternate method of pedestrian circulation exists, the Planning Commission shall require the subdivider to pay a fee in lieu of required sidewalk construction. The fee in lieu of required sidewalk construction shall be determined by administrative rule and reevaluated every five (5) years and be equal to or greater than one hundred percent (100%) of the cost of constructing the sidewalk. There is hereby established and created a ‘Sidewalk/Shared Use Path Fund’ for the deposit of fees collected in lieu of required sidewalk construction. The fees collected pursuant to this subsection (B) are hereby deemed appropriated upon receipt and may be expended by the County Engineer for sidewalk or shared use path planning, design, land acquisition, construction and/or repair. The fees collected shall not lapse at the close of the fiscal year; and

(C) Payment of said fees shall be made at the time of final subdivision approval. When funds are needed for sidewalk or shared use path planning, design, land acquisition, construction and/or repair, the County Engineer shall submit a written request to the Planning Director and Mayor for approval. Upon approval, the Finance Director shall be authorized to release moneys from the fund.”

3. Amend SECTION 4 as follows:

"SECTION 4. Section 9-2.11, entitled "Blocks", of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

"The dimension, shape and orientation of blocks shall be determined with due regard to:

(1) provision of building sites suitable to the use and type of buildings contemplated;

(2) minimum site requirements, particularly as to site, slope and dimensions;

(3) control, safety and convenience of pedestrian and vehicular traffic;

(4) topography and other land features;

(5) orientation and scenic enhancement;

(6) In communities whose population exceeds 3,000 residents, length of blocks shall not be more than one thousand eight hundred (1,800) feet, except in Residential and Commercial Districts, where length of blocks shall not be more than four hundred and fifty (450) feet. Exceptions may be provided for topographical conditions or if the block is adjacent to an arterial road; and

(7) [and a] In communities whose population exceeds 3,000 residents, pedestrian [way] ways of [six (6)] ten (10) feet minimum width [may] shall be required through the center of any block [longer than one thousand two hundred (1,200) feet] at intervals of four hundred and fifty (450) feet or less, unless the Planning Commission finds such improvements are not warranted."

(New material to be added is underscored. Material to be deleted is bracketed.)

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